

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

- - - - - X

UNITED STATES OF AMERICA,

Plaintiff, : 07-CV-2067 (NGG)

-and- :

VULCAN SOCIETY, INC., for
itself and on behalf of its :
Members; MARCUS HAYWOOD,
CANDIDO NUNEZ, and ROGER :
GREGG, individually and on :
behalf of a class of all :
other similarly situated, :

Plaintiff-Intervenors, :

-against- : U.S. Courthouse
Brooklyn, N.Y.

THE CITY OF NEW YORK, THE
FIRE DEPARTMENT OF THE CITY :
OF NEW YORK, NEW YORK CITY
DEPARTMENT OF CITYWIDE :
ADMINISTRATIVE SERVICES,
MAYOR MICHAEL BLOOMBERG :
and NEW YORK CITY FIRE
COMMISSIONER NICHOLAS :
SCOPPETTA, in their :
individual and official :
capacities, :

Defendants. .

August 19, 2010
10:00 a.m.

- - - - - X

BEFORE:

HONORABLE NICHOLAS G. GARAUFIS,
United States District Judge

1 APPEARANCES:

2 For the Plaintiff: U.S. DEPARTMENT OF JUSTICE
3 Civil Rights Division
4 950 Pennsylvania Avenue, N.W.
5 Employment Litigation Section, PHB
6 Washington, DC 20530
7 BY: SHARON A. SEELEY, ESQ.
8 MEREDITH L. BURRELL, ESQ.
9 JENNIFER M. SWEDISH, ESQ.
10 AND
11 LORETTA LYNCH
12 United States Attorney
13 Eastern District of New York
14 271 Cadman Plaza East
15 Brooklyn, New York 11201
16 BY: ELLIOT M. SCHACHNER, ESQ.
17 Assistant U. S. Attorney

11 For the Plaintiff: LEVY RATNER, P.C.
12 Intervenor 80 Eighth Avenue
13 8th Floor
14 New York, New York 10011-5126
15 BY: RICHARD A. LEVY, ESQ.
16 DANA LOSSIA, ESQ.

15 CENTER FOR
16 CONSTITUTIONAL RIGHTS
17 BY: ANJANA SAMANT, ESQ.
18 DARIUS CHARNEY, ESQ.

18 For the Defendant: NEW YORK CITY LAW DEPARTMENT
19 Office of the Corporation Counsel
20 100 Church Street
21 New York, New York 10007
22 BY: JAMES M. LEMONEDS, ESQ.
23 JOSHUA FAY, ESQ.
24 Asst. Corporation Counsels

22 Court Reporter: HOLLY DRISCOLL, CSR
23 225 Cadman Plaza East
24 Brooklyn, New York 11201
25 718-613-2274

25 Proceedings recorded by mechanical stenography, transcript
produced by Computer-Assisted Transcript.

1 THE COURT: Please be seated. All right.

2 Good morning, everyone

3 Appearances please.

4 MS. SEELEY: Good morning, Your Honor, Sharon Seeley
5 for the plaintiff United States.

6 THE COURT: Good morning.

7 MS. BURRELL: Good morning, Your Honor, Meredith
8 Burrell for plaintiff United States.

9 MS. SWEDISH: Good morning, Your Honor, Jennifer
10 Swedish for the plaintiff United States.

11 MR. SCHACHNER: Good morning, Your Honor, Elliot
12 Schachner for the plaintiff United States.

13 MR. LEVY: Good morning, Your Honor, Richard Levy
14 for plaintiff-intervenors.

15 MS. LOSSIA: Good morning, Your Honor, Dana Lossia
16 for plaintiff-intervenors.

17 MR. CHARNEY: Good morning, Your Honor, Darius
18 Charney for the plaintiff-intervenors.

19 MS. SAMANT: Good morning, Your Honor, Anjana Samant
20 for the plaintiff-intervenors.

21 MR. WASHINGTON: Good morning, Your Honor, Paul
22 Washington, Vulcan Society.

23 MR. MARSHAL: Good morning, Michael Marshal, Vulcan
24 Society.

25 MR. LEMONEDES: Good morning, Your Honor, James

1 Lemonedes on behalf of the defendants.

2 MR. FAY: Good morning, Your Honor, Joshua Fay on
3 behalf of the defendants.

4 THE COURT: Welcome, Mr. Fay.

5 MR. FAY: Thank you, Your Honor.

6 THE COURT: Okay. Before I take testimony is there
7 anything any of the parties wish to say preliminarily so that
8 we can understand the foundation for this hearing?

9 I would note that I have had communication from the
10 Special Master that discussions are ongoing related to the
11 possibility of finding some common ground to permit a class to
12 go forward but that no resolution has been reached and that
13 discussions are going to continue. The Special Master
14 indicated to me that she would like to continue these
15 discussions on Monday. So, you should be in contact with
16 Ms. White after the hearing to make arrangements in that
17 regard.

18 Do you have anything this morning?

19 MS. SEELEY: No, Your Honor.

20 MR. LEVY: Well, I don't know what the range of
21 things you want -- you're open to hearing about this morning.
22 One thing I would say is having reviewed the questions that
23 you asked of the city, I just want to say from the standpoint
24 of the plaintiff-intervenors and the Vulcan Society and the
25 applicants who we have been working with, we are hopeful that

1 there's a resolution here that does not unduly delay or put
2 off the hiring. I mean just so we're clear, in that sense I
3 guess we are allied with the city. We can't move the numbers
4 of minorities in the Fire Department without hiring going
5 forward in some fashion. Now, obviously we'd like to see that
6 happen in a way that doesn't implicate a Title VII violation
7 but we certainly think it would be the best resolution,
8 particularly from an equitable standpoint in terms of other
9 applicants and in terms of the city's interests and ours if we
10 can find that resolution.

11 There have been some ideas, one that we discussed a
12 little bit off the record this morning that maybe really need
13 off the record discussion as opposed to on the record as we
14 have been searching around for alternative approaches to
15 implementing that hiring and one I discussed with Jim this
16 morning, I don't -- I'm sure he's not in a position to commit
17 to in any way at this moment but it was something we hadn't
18 discussed before and I think those kind of discussions are
19 worthwhile.

20 I think that finding out whether overtime costs this
21 million or that million is not really going to advance greatly
22 our common interest here and I think in a sense there's a
23 common interest, I think all of us would like to see some
24 hiring, fair hiring and the least delay. So, you asked for
25 comment, I hope I'm not going afield of what you wanted.

1 THE COURT: That's fine.

2 MR. LEVY: But I would be hopeful that our efforts
3 are focused as much as possible on a methodology that works
4 and we've put in papers, as you know, that suggest that that
5 methodology exists, it has been sanctioned by the Circuit and
6 suggested as an option and, as we've said before, we're not in
7 any way interested in obstructing the city in hiring as long
8 as we adjust the numbers to reach compliance.

9 THE COURT: All right. Thank you.

10 Mr. Lemonedes, do you have anything you'd like to
11 say?

12 MR. LEMONEDES: Just very briefly, if I can put the
13 hearing in a little bit sort of context. We're particularly
14 mindful of Your Honor's comments during the August 11th
15 conference and, as I'm understanding, Your Honor has basically
16 dual interests that you're looking at; you're looking at the
17 city's needs to move forward and that's the evidence I'm
18 attempting to present to you as much as possible today.
19 There's also the other need of the means in which a hiring
20 could occur that would be most appropriate.

21 To the degree that that is far more something that
22 deals with the mediation, I think it's appropriate that those
23 discussions stay there and I certainly have some other
24 discussion with Mr. Levy that might be valuable there but not
25 to be presented at this point.

1 So, our goal at this point for Your Honor is with
2 reference to the comments that Your Honor made during the last
3 conference, I'm attempting to present you witnesses that give
4 Your Honor that information and that way you'll at least have
5 the first part of what's going on and we can see what happens
6 with the mediation aspect and how to actually implement
7 something if that at all can be reached. So, if that's
8 sufficient for Your Honor.

9 THE COURT: Right, thank you.

10 As I indicated the last time with respect to the
11 questions that I raised in my comments, the technical issues
12 about the costs of hiring firefighters as opposed to the
13 overtime costs and so forth were really raised in comments by
14 city officials after the Court ruled on 6019, the use of 6019,
15 and so I thought it would be useful to have a record on that.

16 I also think it's useful to have a record on the
17 subject matter that Mr. Levy raised the last time on the
18 efficacy of overtime as a general tool in the Fire Department
19 and the concern that was implicit in the city's out of court
20 statements that overtime would or may in some cases result in
21 less than optimal conditions for the firefighters in doing
22 their job. So, I don't see anyone on your list that can speak
23 to that, Mr. Lemonedes, but certainly I would take testimony
24 from Mr. Washington if he wanted to testify today on that
25 subject and I would take testimony from the city if not today,

1 tomorrow or some other day on that subject as well because I
2 think that the overriding issue with respect to calling a
3 class for the fall has to do with the importance of providing
4 the necessary person-power to do the job and do it right and
5 do it well and do it best.

6 And so, I don't want to rule anything out but I also
7 would like to have some information that would help me in
8 balancing off whether there is a pressing need to move forward
9 with a class before we have a new test in place and a new list
10 in place and I know that there are many candidates for the
11 fire academy who are deeply concerned about this, I sympathize
12 with them, and the purpose of this process is not to impede
13 providing the necessary staffing for the Fire Department, it's
14 to balance that need with the need to fulfill the Court's
15 obligation to enforce the Civil Rights Act and so this is not
16 an easy balancing act and I want everyone's help in trying to
17 achieve a fair, sensible, prudent interim resolution and then
18 we'll move on to everything else which is what you're working
19 on with the Special Master with regard to the new -- preparing
20 a new test.

21 So, I just wanted to put all that on the record so
22 you understood that the Court is sensitive to all these
23 considerations notwithstanding the out-of-court comments that
24 are often made by persons who have nothing to do with the case
25 and have apparently never read a single word that I ever wrote

1 on the subject of this litigation.

2 So, you can call your first witness.

3 MR. LEMONEDDES: And if I could, just based on what
4 Your Honor said, you mentioned possibly tomorrow, Your Honor
5 should know that there is a meeting with the Special Master
6 and all of the experts which is the first general meeting so
7 continuing this hearing tomorrow might be problematic.

8 THE COURT: We'll find a day.

9 MR. LEMONEDDES: Perfect.

10 THE COURT: In the very near future.

11 MR. LEMONEDDES: Absolutely.

12 THE COURT: I set October 1st as the date for the
13 temporary stay because I wanted to have enough time so that we
14 could have this process and we can always do it next week when
15 you have a witness who's available and the Court is available.
16 I'm on trial next week but I will definitely -- it's a bench
17 trial so I'll definitely make time for this hearing if we need
18 to continue it.

19 MR. LEMONEDDES: Thank you, Your Honor.

20 THE COURT: All right. And those of you who are
21 planning a vacation, I hope you have refundable tickets.

22 MR. LEMONEDDES: Thank you, sir.

23 THE COURT: Okay.

24 MR. LEMONEDDES: May I approach and hand Your Honor a
25 copy of the exhibit book?

Rush - direct - Lemonedes

10

1 THE COURT: Sure. And the parties, the plaintiff
2 and plaintiff-intervenors have received it?

3 MR. LEMONEDES: Yes.

4 THE COURT: All right. Now, who would you like to
5 make your first witness?

6 MR. LEMONEDES: Mr. Stephen Rush who is the
7 Assistant Commissioner For Finance and Budget with the Fire
8 Department; and may I go get him?

9 THE COURT: Sure.

10 MR. LEMONEDES: Thank you.

11 (Witness takes the stand and is sworn by the clerk.)

12 S T E P H E N R U S H, having been first duly
13 sworn was examined and testified as follows:

14 MR. LEMONEDES: Thank you.

15 THE COURT: Please state and spell your full name
16 for the record, sir.

17 THE WITNESS: Stephen Rush, S T E P H E N, R U S H.

18 THE COURT: All right. You may inquire.

19 MR. LEMONEDES: Thank you, Your Honor.

20 May I approach the witness and hand him a series of
21 exhibits?

22 THE COURT: Sure.

23 MR. LEMONEDES: I'm handing the witness premarked
24 exhibits which have been labeled and identified for Your Honor
25 as Defendant's Exhibit B-1 through B-14.

Rush - direct - Lemonedes

11

1 THE COURT: All right.

2 MR. LEMONEDDES: May I inquire?

3 THE COURT: Yes, you may.

4 MR. LEMONEDDES: Thank you.

5 DIRECT EXAMINATION

6 BY MR. LEMONEDDES:

7 Q Good morning, sir.

8 A Good morning.

9 Q Can you tell me how you're presently employed?

10 A New York City Fire Department.

11 Q And what is the position that you hold?

12 A Assistant Commissioner For Budget and Finance.

13 Q How long have you had that position?

14 A Since 1987.

15 Q What are your duties as the Assistant Commissioner For
16 Budget and Finance?

17 A I oversee the Fire Department's operating budget which
18 includes personnel services and the other than personnel
19 services budget, the revenue budget, the capital budget,
20 procurement for the Fire Department, all payroll and time
21 keeping operations, and uniformed pensions for the
22 firefighters.

23 Q What responsibilities, if any, do you have in regard to
24 labor relations?

25 A As the chief fiscal officer, so to say, for the Fire

Rush - direct - Lemonedes

12

1 Department I participate in all contractual negotiations and
2 have participated since the mid-1980's.

3 Q Well, speaking of the mid-1980's, can you just very
4 briefly give the Court your employment history with the City
5 of New York?

6 A I was first employed by the City of New York in 1979, the
7 Office of Management and Budget. Six months after that
8 assignment in the Office of Management and Budget I was
9 promoted to a position in the Fire Task Force which oversees
10 the Fire Department. Each of the agencies -- of the mayoral
11 agencies are overseen by a task force at OMB.

12 So, I started working on Fire Department budget
13 issues in 1979. I came over to the Fire Department as their
14 senior budget analyst in 1981; had a series of interim
15 promotions in the Fire Commissioner's Office in 1984 and then
16 became Assistant Commissioner for Budget in 1987.

17 Q Okay. Can you just briefly go through for us the steps
18 that would be or are in place in generally creating a budget
19 particularly for the Fire Department?

20 A When we're speaking about a budget, we're talking about
21 how many people we would have on our staff. For most
22 positions in the Fire Department -- for most positions when
23 you look at -- you would look at one position to fill it, a
24 role. In the Fire Department and other agencies is somewhat
25 different because you have to have 24 hour staffing 365 days a

Rush - direct - Lemonedes

13

1 year. So, for each position that you need to fill, it
2 requires 8,760 hours. So, in a fire house, depending on how
3 many staff personnel you have on the engine or the truck,
4 you're going to have a staffing factor associated with
5 covering those many hours.

6 So, if we take the example of the firefighters, we
7 have 8,760 hours to fill and, generally speaking, a
8 firefighter when he's hired --

9 THE COURT: Or she.

10 THE WITNESS: That's right, correct.

11 THE COURT: Or she.

12 THE WITNESS: When a firefighter is hired, that
13 firefighter gives us approximately on average 1,600 hours of
14 work a year. On top of that they are scheduled for
15 approximately 100 hours of overtime. That is scheduled
16 overtime that was contractually built in as part of an
17 arbitration agreement in 1989, it is called roster staffing
18 overtime. So, each firefighter is giving us roughly
19 1,700 hours.

20 So, to fill a post which needs 8,760 hours, you
21 roughly would need, if you wanted to fill it with personnel,
22 five firefighters and the rest you would do with overtime.
23 You could do it with four firefighters and pay a lot more
24 overtime; you could do it with six firefighters and pay a lot
25 less overtime but generally speaking we've always budgeted to

Rush - direct - Lemonedes

14

1 the level of five as ideal.

2 In the last several years we've looked at ways to
3 reduce overtime further by hiring extra firefighters and, in
4 fact, there were years where we were several hundred
5 firefighters above the authorized head count in agreement with
6 OMB as a means of saving money because it is our analysis that
7 the hiring of firefighters costs a lot less than paying the
8 average cost of overtime for an average firefighter and the
9 numbers are, if you took a probationary firefighter, a rookie
10 firefighter coming out of school, we're paying a rookie in the
11 Fire Department, not counting the pension costs, about \$21 an
12 hour.

13 Q Let me interrupt you and bring you back a little bit.
14 You talked about different staffing needs and now you've
15 talked about how many hours you would need to fill for each
16 single position and then you talked about how many
17 firefighters you would need in order to staff those hours?

18 A Yes.

19 Q Do you make other determinations?

20 A Sorry, so once we staff -- we have a staffing factor of
21 five, then we say, okay, what's the required staffing.
22 Contractually we're required to staff every ladder company
23 with five firefighters at the start of the tour.

24 Q I'm sorry, say that -- five firefighters?

25 A At the start of the tour and there are 198 engine

Rush - direct - Lemonedes

15

1 companies of which 64 start off with five at the start of the
2 tour and 134 start off with four at the start of a tour and
3 based on that you build up to your 85, 8,600 number that we
4 use as our authorized strength because you have to multiply
5 that number by five.

6 Q Just so that I understand, you start by saying in order
7 to have a position filled I need to have this number of
8 firefighters?

9 A Correct.

10 Q For that position throughout the year?

11 A Correct.

12 Q Then you look at how many positions there are for all of
13 your different fire companies?

14 A That's right.

15 Q So, now you now have a total sort of picture of what your
16 staffing needs are based on personnel, is that accurate?

17 A That's correct.

18 Q What do you do with that then?

19 A Based on that we have hiring models where we determine
20 when we should be in fact hiring classes of probationary
21 firefighters to have them field effective to control overtime
22 and to meet our operational needs.

23 Q Well, in order to make those projections out, what are
24 the sort of things that you consider?

25 A Well, what we look at is how many personnel are on board.

Rush - direct - Lemonedes

16

1 We look at things like if -- ideally we would look at, we
2 would like to have a probationary class graduate in time for
3 the summer when vacation periods are higher to control
4 overtime. So, we have to take all those factors into account.

5 Also, we look at our constraints on hiring based on
6 the fact that we can only hire 300 firefighters at a time
7 given space limitations at our academy.

8 Q In considering your staffing needs, what analysis, if
9 any, do you do concerning issues such as attrition and
10 vacations and sick leave, like that?

11 A Well, as I said earlier, the firefighter is providing
12 about 1,700 hours of availability. That takes into account,
13 you know, 200 hours on average of vacation, 150 hours on
14 average of medical leave, 120 hours on average of light duty,
15 so, the whole number of factors that come into that analysis.

16 We also look -- we have historic numbers on
17 attrition, we've been doing attrition numbers since I've been
18 with the Fire Department. Then -- so, on average in a given
19 year, a normal year you're going to lose 500 firefighters.
20 Not all of them are going to retire, some will resign, some
21 will -- and a great number will promote up to lieutenant
22 and/or fire marshal but, on average, when we say attrition,
23 we're saying roughly 500 people will retire or leave the rank.

24 Q Okay. So, and I interrupted you before, forgive me, let
25 me try to get you back to this point; you talked about some

Rush - direct - Lemonedes

17

1 sort of costs for staffing, you talked about overtime costs
2 compared to -- did you say straight time or something else?

3 A Right, so, when we look at the analysis of hiring, you
4 know, just in the Fire Department, although when you extend
5 the numbers out to the fringe benefit side of the budget it
6 still works the same way, we get more bang for the buck, so to
7 speak, with a hiring of a firefighter because they're coming
8 in at a much lower rate than the average firefighter would
9 earn on overtime. The difference again, as I said, you would
10 be talking about \$21 an hour for a firefighter on being hired
11 and going into the field versus a senior firefighter who was
12 filling that post on overtime if you didn't hire that
13 firefighter at \$55 an hour.

14 Q Okay. Are you familiar with the term called PEG?

15 A PEG is -- we don't call it fondly, but the agency -- it
16 is a program to eliminate the budget gap, PEG, program to
17 eliminate the gap, and it is an annual exercise that happens
18 in the fall where we are given targets by the Office of
19 Management and Budget to reduce our budget.

20 Q Okay. So, the Office of Management and Budget says, gee,
21 it would be great if you could have your budget come to this
22 number and you need to find a way to get there?

23 A Correct. What happens generally, and depending on the
24 year we may have several exercises and of late because of the
25 fiscal conditions of the city has necessitated that but the

Rush - direct - Lemonedes

18

1 Office of Management and Budget will give all agencies
2 targets.

3 Now, sometimes the targets for the uniformed
4 agencies and when I say uniformed agencies, I'm speaking of
5 the Police Department, the Fire Department, Corrections
6 Department, the Sanitation Department, they may be given
7 slightly lower targets, the Department of Education may be
8 given a lower target but, in general, there are targets set
9 for the agencies, 2 percent, 3 percent, 4 percent of your
10 budget and you're asked to come up with savings that would --
11 tied to that number, 4 percent of your budget, 2 percent of
12 your budget.

13 Q Just so that I understand, what you're being told is try
14 and shave your budget down by about 4 percent?

15 A No, what we're being told is to come up with options that
16 total the 4 percent so that the OMB can review with the mayor
17 citywide all of the options before them to make the choices of
18 where they need to reduce money to balance the budget, to
19 eliminate the gap that is.

20 Q So, you've had various PEG proposals?

21 A Yes.

22 Q Okay. And what are the types of things that are looked
23 at in attempting to do that?

24 A Well, the first thing we try to look at is the things
25 that do not impact direct service. Given that the Fire

Rush - direct - Lemonedes

19

1 Department's budget is 90 percent direct service, it gets very
2 difficult but we do endeavor to do things like that; we look
3 at, for example, how much we're charging for the transport of
4 a patient to the hospital via our FDNY ambulances. So, if our
5 rate structure can support an increased rate, we'll make
6 application for that.

7 We come up with other various revenue initiatives,
8 raising certain taxes which require city and local -- the
9 council and state approval and other things of that nature to
10 try to mitigate any impact on service operations. When you're
11 talking about targets that can be 50 to 60 to \$70 million, you
12 inevitably have to look at front line staffing and that means,
13 you know, either closing fire companies or reducing staffing
14 on fire companies. Reducing staffing on fire companies you
15 just can't do unilaterally, it is contractually mandated that
16 the staffing remains as is at least until February 1st, 2011.

17 Q Let me go back and look at each of those two situations.
18 You said one of the ways is to reduce staffing in fire
19 companies?

20 A That's correct.

21 Q How would you do that?

22 A There is an agreement in place that was negotiated in
23 1996, I was part of those negotiations, where we agreed that
24 60 engine companies would have a fifth firefighter. So,
25 instead, when that engine company goes out in the beginning of

Rush - direct - Lemonedes

20

1 the tour they would have five firefighters and one fire
2 officer, so we call it a five firefighter engine. Then the
3 rest of the engine companies run with four firefighters.

4 So, that was the agreement that was negotiated. The
5 agreement was renewed in 2006 and expires in 2011. It is the
6 city's intention effective February 1st, 2011 to reduce the
7 staffing on those 60 engine companies to four firefighters per
8 tour.

9 Q Well, you're telling us what your understanding is from
10 the budget concerns, you're not speaking for the city on that
11 issue, right?

12 A The city -- in the mayor's -- in the city's financial
13 plan --

14 Q Okay.

15 A -- for 2011, this fiscal year, there is a proposed
16 reduction that's in there of 300 firefighters which is the
17 equivalent of 60 engine companies being reduced from five
18 firefighters per tour to four firefighters per tour.

19 Q So, that's one way that you would consider having an
20 opportunity to lower the manpower by reducing the number of
21 firefighters on the truck; is that right?

22 A On the engine we call it.

23 Q On the engine, okay.

24 A The truck is the ladder.

25 Q Okay. So, how is that a benefit, are you talking about

Rush - direct - Lemonedes

21

1 any sort of layoffs then?

2 A No, we would do that simply through attrition.

3 Q Okay. The other option you gave was something about fire
4 houses?

5 A Right. Well, for the last two years at least we've -- in
6 2003 we closed six fire companies, when we were coming off of
7 the 9/11 disaster and the city's finances were doing horribly
8 so we had to close six companies. Going into fiscal year 2010
9 we had on the table 16 companies to be closed.

10 Q What would happen if you closed 16 companies?

11 A If you close 16 companies you would basically have --
12 those companies -- the manpower would be reassigned to other
13 units -- person-power would be reassigned to other units and
14 we would take the savings through attrition so we wouldn't
15 hire a firefighter class because potentially we would not need
16 to depending on the circumstances of your head count.

17 Q Okay. So, ultimately what you're saying is it's an
18 option to close a fire house and redeploy the firefighters so
19 that you can more easily cover the costs of overtime in the
20 different fire stations?

21 A That's right. Well, once your head count staffing is
22 reduced, you have that surplus manpower for a while, it can
23 reduce overtime but eventually you're not hiring so it should
24 all even out.

25 THE COURT: I'm sorry, that was FY 2010?

Rush - direct - Lemonedes

22

1 THE WITNESS: It was in FY '10 and FY '11 a similar
2 event happened where 20 fire companies were put up for closing
3 and in both years the City Council and the mayor came to an
4 agreement to restore the funding to keep those fire companies
5 open.

6 Q Okay. So, we're talking about FY, that's fiscal year, is
7 that what you're talking about?

8 A Right, the fiscal year ends -- starts July 1st, ends
9 June 30.

10 THE COURT: So, we're now in fiscal year 2011?

11 THE WITNESS: That's correct.

12 THE COURT: Thank you.

13 Go ahead.

14 Q So, in both the prior fiscal year and this fiscal year
15 you're telling us that there were PEGs which were programs in
16 which it was planned to be actually closing fire houses?

17 A That's correct.

18 Q Okay. And in each of those instances what happened?

19 A What happens during -- there is the budget adoption
20 negotiations that occur in June of each year and in the course
21 of those negotiations the City Council and the mayor came to
22 an agreement to restore the funding for those fire units.

23 Q So, more funding was put back in so these fire houses did
24 not have to close?

25 A That's correct.

Rush - direct - Lemonedes

23

1 Q Okay. All right. I'd like for you to turn to some of
2 the exhibits in front of you and specifically draw your
3 attention to Defendant's Exhibit B-1, B as in boy.

4 THE COURT: Is there any objection to any of these
5 exhibits?

6 MS. SEELEY: Your Honor, I believe our only
7 objection would be that B-7 through B-14 I believe it was or
8 actually may have been B-8, B-8 through B-14 we only received
9 for the first time this morning at a few minutes before ten
10 and so I don't -- we haven't had an opportunity to review them
11 carefully and I would just like to reserve an opportunity to
12 object to them.

13 THE COURT: All right, that's fine. Otherwise,
14 Exhibits B-1 through B-14 are received with that caveat.

15 Yes?

16 MR. LEVY: One other thing.

17 THE COURT: I'm sorry, Mr. Levy.

18 MR. LEVY: I haven't seen the background data that
19 would support the numbers in here. I'm not questioning them
20 at the moment because I don't know what the runs were or what
21 the, you know, data base was for coming up with some of these
22 numbers but it is the same objection basically, we received
23 these recently and we would need to look at them.

24 THE COURT: You can.

25 MR. LEVY: But subject to that.

Rush - direct - Lemonedes

24

1 THE COURT: All right.

2 MR. LEVY: We can use them.

3 THE COURT: As to all exhibits you mean or just 8
4 through 14?

5 MR. LEVY: I haven't actually -- some we were handed
6 this morning that I haven't seen yet.

7 THE COURT: Well, let's put it this way, I'm going
8 to request that the city provide to the parties the underlying
9 data that provided the basis for these charts and if there's a
10 problem, the parties should let me know, all right.

11 MR. LEMONEDES: We'll be happy to do that. I
12 attempted just to get the material to you as soon as we could.
13 I'll give them anything that Your Honor wishes.

14 THE COURT: Thank. All right.

15 MR. LEMONEDES: Thank you, sir.

16 (Defendant's Exhibits B-1 through B-14 received in
17 evidence.)

18 Q So, looking at Defendant's Exhibit B-1, can you tell me
19 what that is?

20 A We put together from our databases information on our
21 budgeted head count since FY '96 and we compare that to our
22 average fiscal year actuals for that year and we took an
23 average of the 12 months to come up with that average and
24 compared that to, you know, our authorized strength to see how
25 much we were under or over. So, if you -- for the most part,

Rush - direct - Lemonedes

25

1 you know, in the earlier years we're close to the authorized
2 strength but we rise up significantly beginning in FY '07,
3 that's when as part of actually a budget exercise to reduce
4 costs we decided to hire extra firefighters so we were going
5 into what we call over quota condition, again because we felt
6 that hiring extra firefighters to a certain extent is
7 beneficial cost-wise to the city. Operationally it's also
8 helpful because at times you can have extra firefighters in
9 engine companies or a ladder company, so, you know, not that
10 it's necessary but it's there.

11 So, we hired extra firefighters during this period,
12 we went over quota and beginning in FY '10 when we --
13 beginning in FY '09 we hired the first class off 6019 which
14 was approximately 300 firefighters and that was the last class
15 we hired because thereafter we started attriting (ph) down
16 personnel because we were in a budget condition situation
17 where they were thinking of things like closing companies.

18 Q So, as I'm looking down your chart and I look at the one,
19 two -- third column down from the bottom it says FY '09,
20 that's the fiscal year '09?

21 A That's correct.

22 Q And what you're indicating to me is that you were over
23 head count by 296?

24 A Right, that was part of a planned program to reduce costs
25 because ultimately even though our authorized strength is

Rush - direct - Lemonedes

26

1 8,654, we liking to go over quota to reduce overtime.

2 Q Okay. And then as a result of not having any classes
3 since that point, in that next year fiscal '10 you're actually
4 below head count by 81?

5 A Right, the attrition -- as the attrition keeps going
6 forward with no replacement hires you start running up
7 overtime costs.

8 Q So, by our current fiscal year '11 we are under head
9 count by 261?

10 A Correct.

11 Q Okay. And that's as a result of attrition and other
12 factors?

13 A The attrition, as I explained earlier, promotions which
14 are part of attrition and the basic fact that we haven't
15 hired.

16 Q Okay. If I can now draw your attention to Defendant's
17 Exhibit B-2, can you tell me what that is?

18 A I think there was a question with respect to what is your
19 average attrition, I thought it was for the last five years,
20 so we put together those numbers. As we break it out,
21 retirements -- retirements can occur -- generally retirements
22 occur for firefighters between 20 and 25 years of service and
23 there are -- those are regular service retirements. In
24 addition, on top of that you get disability retirements.
25 We've had a good number of disability retirements in the last

Rush - direct - Lemonedes

27

1 number of years, a lot of that is extenuating circumstances
2 from the World Trade Center. And those -- and there are
3 disability and service retirements that make up the retirement
4 number, other attrition is resignations, leave of absences,
5 terminations, death, and then on top of that we add in
6 promotions out of rank.

7 Q So, you're actually reducing the number of firefighters
8 because he or she or a particular firefighter has now moved
9 out of that rank?

10 A That's right.

11 Q What we are focusing on here are the firefighters, right?

12 A That's correct. So, the title has lost that person and,
13 therefore, it's a vacancy or attrition.

14 Q So, what this schedule does is it demonstrates what the
15 attrition rate has been along the last several years?

16 A Right, so the last five years it's been about 556.

17 Q Okay.

18 A On average.

19 Q Now, let me draw your attention to Defendant's Exhibit

20 B-3. Can you tell me what that is?

21 A In FY -- beginning in FY '10 we had just came off of the
22 budget adoption where the 16 fire companies that were
23 scheduled to be closed were restored. My -- from my end, from
24 the budget end we knew right away that given the restoration
25 we should be hiring a class of firefighters.

Rush - direct - Lemonedes

28

1 Q So, that's what you are referring to in -- I'm drawing
2 your attention to the top paragraph with the restoration of
3 the fire companies.

4 A That's right, 16 companies were restored and that means
5 our authorized strength went up and we, therefore, needed to
6 put a class in. So, we recommended a class immediately but
7 since Personnel needed time to get candidates qualified again,
8 make sure everything was okay, they were saying they wouldn't
9 have a class until October. Ideally we would have liked to
10 have the class earlier but we could not. So, I advocated to
11 the Commissioner that we pursue a class to reduce costs.

12 THE COURT: This was in '09.

13 THE WITNESS: This was in actually '09, fiscal
14 year '10.

15 THE COURT: Right.

16 THE WITNESS: Last year.

17 THE COURT: And so, a class was announced?

18 THE WITNESS: No, we actually were looking for a
19 class -- we were looking for permission to hire a class. We
20 never received that permission.

21 THE COURT: Who would have to give you permission?

22 THE WITNESS: It's really OMB that gives permission.

23 THE COURT: I see. Okay.

24 Please go ahead.

25 MR. LEMONEDES: Thank you, Your Honor.

Rush - direct - Lemonedes

29

1 Q I want to draw your attention back to B-1.

2 Looking at fiscal year '10, you were under head
3 count by 81, correct?

4 A That's right.

5 Q Okay. Now --

6 A Yes.

7 THE COURT: Is this at the beginning of FY '10?

8 THE WITNESS: That's right.

9 THE COURT: Okay.

10 THE WITNESS: So, we were looking for a class as
11 early as August of FY '10.

12 Q To try and fill in this 81?

13 A To -- at that point in time we were still over quota,
14 okay, but it takes a class 18 weeks to get through. We
15 project forward so we say, okay, where will we be four months
16 from now, four and a half months from now, 18 weeks, and
17 therefore we draw up our hiring assumptions based on future
18 attrition. So, we try to keep ideally at least to authorized
19 strength, sometimes over but, you know, at this case we were
20 not looking to go over, we were just trying to get to
21 authorized strength.

22 Q And the reason that you made that recommendation is
23 because money was now being restored to keep these fire houses
24 open?

25 A Correct.

Rush - direct - Lemonedes

30

1 Q So, another way that budget could have been decreased is
2 by altering the budgeted head count, is that right?

3 A That's correct.

4 Q So, if fire houses had been closed, the budgeted head
5 count would have been reduced from 8,654 to a smaller number?

6 A That's correct.

7 Q With a smaller number then you might have been closer to
8 being at full manpower or higher?

9 A We would have actually been in an excess condition which
10 we would then attrit (ph) down by not hiring.

11 Q So, then at that point a request was made given the fact
12 that the fire houses have continued to be open for an
13 additional class?

14 A Correct. In fact, we laid out our hiring plans which
15 were modest for fiscal year '10 and we laid out a need for 200
16 to 250 firefighters over two classes.

17 Q Okay. Ultimately that proposal -- is that called a
18 personnel action request?

19 A Yeah, it's called a PAR, we call it a PAR. The PAR has
20 to go over to OMB requesting approval to hire and we then give
21 them the background analysis. We work closely with OMB so we
22 both try to understand.

23 Q Okay. Now, let me take you to --

24 THE COURT: Can I just ask a question about that.

25 In terms of what you provide to OMB, does that include a

Rush - direct - Lemonedes

31

1 discussion of why you have the need beyond the numbers; in
2 other words, are there other considerations such as the
3 potential for creating a more dangerous working condition or
4 putting the public at risk in not hiring or is this strictly,
5 pardon the expression, a numbers crunching exercise?

6 THE WITNESS: It is a numbers crunch exercise.

7 THE COURT: Okay. All right. Thank you.

8 MR. LEMONEDES: Thank you, Your Honor.

9 Q Turning to Defendant's Exhibit B-4, take a look at that.
10 Can you tell us what that is?

11 A Okay. This is an attempt to look at delays in hiring
12 classes strictly without any external factors inhibiting our
13 ability to put a class in and so what we try to do is say
14 assuming a baseline condition where what we'd like to do, in
15 which what we'd like to do this fiscal year assuming, yeah, no
16 inhibiting factors like closing companies or staffing
17 reductions, we would have liked to put in a class of 300 to
18 312 in August, I think we actually set the date as August 30th
19 because of again personnel being ready or -- and then another
20 class in January of 300. That would be our hiring needs for
21 the year absent any budget exercises on reducing head count.

22 Q Any of those PEGs?

23 A That's correct, absent those. So, I just tried to do it
24 to be responsive to the concerns that were raised, we went
25 back last week and we were working on various analyses trying

Rush - direct - Lemonedes

32

1 to show what it cost or what it saves. So, we just ran the
2 numbers out by saying, okay, let's say you delayed the class
3 from August, September/to November.

4 Q Okay.

5 A Or you delay it to December or to January, we did it all
6 the way to June. The numbers that you look at, assume --
7 let's say you go over to the June column, you would look at
8 June as a column going down. So, I wouldn't look -- you don't
9 look at the numbers going across, look at the numbers going
10 down. So, in June what we would be saying is that in fiscal
11 year 2011 we actually save money by not hiring to the tune of
12 \$5.7 million.

13 However, that delay has now forced us to delay
14 future classes. Now we can only hire one class now because it
15 is June and the fiscal year is over so you can only hire a
16 class of 300. The next class of 300 would be hired five
17 months later. The next class that you had planned to hire
18 would be hired five months later, you know. So, each class is
19 delayed based on how far you delay from the baseline condition
20 in the summer.

21 Q So, if you're not permitted to hire until June, what
22 would the projections come out to?

23 A Overall what we project before we caught up it would cost
24 the city \$65 million.

25 Q So, going down to fiscal year 2012, by the end of that

Rush - direct - Lemonedes

33

1 year the over -- the costs to the -- the net costs would be 46
2 million?

3 A If you delayed classes to June. That would mean if you
4 delayed classes to November, let's say, the net cost would be,
5 you would just take the 1,684,924 and the 10,622,222, that
6 totals roughly 12.2 million would be your costs delaying it to
7 November.

8 THE COURT: I'm sorry, that's November of 2011?

9 THE WITNESS: That's right. So, by delaying the
10 class two months we're creating more overtime costs.

11 THE COURT: And so, how long does it take from the
12 time someone enters the academy until the time they're on
13 board as a firefighter?

14 THE WITNESS: 18 weeks.

15 Q So, this is delaying a class till when?

16 A In this case if we just delayed the class two months
17 we're feeling the impact of that.

18 Q So, if we delay it from August 30th to October 1st?

19 A I didn't run out that scenario but it would be somewhat
20 less than \$12 million.

21 Q Okay. And that rolls out higher every --

22 A Absolutely.

23 Q The longer you delay the class, the greater the cost will
24 be by the time you've caught up?

25 A Right, because two things are happening, you're delaying

Rush - direct - Lemonedes

34

1 classes, new attrition is occurring which makes your needs --
2 the vacancies greater and you're not filing them which is
3 driving your overtime costs up. So, initially when you look
4 at June you say, well, it's a surplus condition, well, that's
5 because in that particular year you're saving on the cost of
6 not hiring probies, 18 weeks of probie training is essentially
7 lost from an efficiency standpoint to the budget. You have
8 to --

9 Q So, what you're saying to me then is the money that you
10 would be --

11 MR. LEMONEDES: Did I interrupt Your Honor?

12 Q So, what you're saying to me then is the money you would
13 be spending on a probationary class you are instead spending
14 on overtime?

15 A That's right.

16 Q But you're going to need to spend that money on a
17 probationary class at some point?

18 A Eventually you'll have to hire a class and pay those
19 costs, yes.

20 Q So, you're just deferring those costs?

21 A Deferring the payment.

22 MR. LEMONEDES: Did I interrupt Your Honor on
23 something? No, thank you.

24 Q Turning to Defendant's Exhibit B-5.

25 A B-5 just attempts to summarize the same information in a

Rush - direct - Lemonedes

35

1 different fashion.

2 Q So, tell me how this does this?

3 A So, here we show what the normal condition would have
4 been for hiring. If you go down to where it says classes
5 delayed to and then it says normal condition. For fiscal
6 year '11 we're saying the normal condition -- now, again, this
7 is without any inhibiting constraints on the outside, the
8 normal condition would have been 312 firefighters and another
9 class of 300. In the next fiscal year we would then hire 211
10 firefighters in July and another 208 firefighters and that's
11 fiscal year '12.

12 Q Just so that I understand, you're looking at the second
13 group of columns?

14 A That's right.

15 Q I'm looking under FY '11, it says August and then there's
16 parenthesis 312; you're telling me that's under normal
17 conditions you would have a class of 312 then?

18 A Right, so we're trying to establish a baseline to compare
19 off of so you have to have some basis to compare your numbers
20 to, so we said let's pick August as our starting point where
21 we would have hired, then what would we have done for the next
22 class and then we looked at attrition assumptions for future
23 years, took modest assumptions on attrition and played it out
24 what would we be hiring in the out years.

25 Q And so, what are the costs?

Rush - direct - Lemonedes

36

1 A So, if you look at delaying a class to November, it costs
2 you \$12 million. Delaying a class to December, \$20 million,
3 etc., you just go down up till June where it would be a
4 \$63 million cost to the city. That's net of salary savings.

5 Q So, at some point does the budget concern become if we
6 delay too long, does there become a determination as to
7 whether you should be starting a class at all within the
8 fiscal year?

9 A When we get later into the fiscal year that's the time
10 when we come up with budget reduction targets and could well
11 be that the budget reduction targets again may say close
12 engine companies. In fact, if you looked at the budget for
13 next year, which is not official and so it's not adopted,
14 there is no funding for 20 fire companies in there.

15 Q Presently?

16 A To start with we don't have that funding there now.
17 That's -- we're not building our budget on that assumption
18 right now and nor is OMB, we're assuming that we needed a
19 class right now but that is an assumption in next year's
20 budget.

21 So, on top of that we'll probably have an exercise
22 to reduce our budget even further. So, that again we'll go
23 through the exercise of looking at revenue initiatives, user
24 costs, things of that nature but ultimately we'll wind up in
25 the same place we've wound up in the last couple of years,

Rush - direct - Lemonedes

37

1 looking at closing companies of some sort, there's no way
2 around it for us to make those targets. It does not mean that
3 the city is going to implement those targets but that's what
4 the Fire Department needs to do to achieve the numbers that
5 they're requesting of us.

6 THE COURT: Is that even assuming that this 312
7 person class goes forward next month?

8 THE WITNESS: Assuming -- I'm not following.

9 THE COURT: Let's assume that the class that's been
10 called goes forward.

11 THE WITNESS: Correct.

12 THE COURT: You would still have to engage in a
13 process of determining what cuts you would need to meet
14 certain budget targets?

15 THE WITNESS: Yes, Your Honor.

16 THE COURT: And let me ask you this if I may, your
17 memo of July 2nd, 2009, at what point did the OMB turn you
18 down for that 2009 class?

19 THE WITNESS: Ultimately it was a lot of back and
20 forth and discussions including City Hall with the
21 Commissioner and we really received word like in November.
22 So, there was back and forth, in November they said we're not
23 going to hire a class.

24 THE COURT: I see. And was there any consideration
25 given with respect to the July 21st, 2009 decision in this

Rush - direct - Lemonedes

38

1 case having to do with the disparate impact of the two tests
2 prior to 6019 as to whether there was anything that --
3 anything that needed or could be done to deal with the issues
4 that were raised in that case, was that part of the
5 discussion?

6 THE WITNESS: I was not part of any of those
7 discussions.

8 THE COURT: All right. Thanks.

9 Q Going to Defendant's Exhibit B-6, can you tell me what
10 that shows?

11 A Again, this is one of I think the questions raised and it
12 says --

13 Q During the Court's transcript?

14 A Right, in the transcript and the questions you sent over
15 to me. What this looked at is, well -- it said, well, you're
16 delaying, you delayed hires last year, didn't that cost you
17 money and so we again played out what we would have done in
18 the last fiscal year and we would have had a class in August
19 and a class in February as we originally recommended to
20 Commissioner Scoppetta in my memo, even though we couldn't
21 have had the class but we said ideally this is where we wanted
22 to be so what does that mean.

23 So, by not hiring the class, again in the first
24 fiscal year it said you're saving -- you're saving on overtime
25 costs actually. You're actually creating overtime costs by

Rush - direct - Lemonedes

39

1 not hiring the class but if you had hired the class, what this
2 exercise attempted to do, if you had hired the two classes,
3 you would have saved \$11 million in overtime, \$11,177,368 to
4 be exact. However, if you would have hired the classes you
5 would have paid out \$12.7 million in salary costs. So, in
6 fiscal year '10 it would have cost you money.

7 Fast forward now, now we're into fiscal year '11 and
8 in July it is showing that now you're paying the freight on
9 that because you haven't hired that class and the overtime is
10 going up and it's exceeding the salaries. So, we're now into
11 July and it shows there's a cost of 1.4 million. Those costs
12 can keep growing as we don't hire.

13 THE COURT: But the city was aware when it decided
14 to postpone those two classes that the outcome of that would
15 be at least in the middle term that there would be a net cost
16 to the city as opposed to a net gain to the city?

17 THE WITNESS: Correct. We, you know, I think the
18 decision was, and it's understandable given that we were
19 thinking about closing companies, they didn't want to be in a
20 position of hiring firefighters. Ultimately the decision was
21 overturned -- was changed and so they knew there was a
22 potential cost for that.

23 THE COURT: So, that was a management decision?

24 THE WITNESS: Correct.

25 THE COURT: It had nothing to do with safety issues,

Rush - direct - Lemonedes

40

1 at least as far as you know, that by not hiring a class that
2 there would be some sort of adverse effect to public safety?

3 THE WITNESS: No, Your Honor.

4 THE COURT: Okay. Next.

5 MR. LEMONEDES: Thank you.

6 Q Now, as a result of that, has that not increased the need
7 to end up having an academy class now?

8 A Right. Well, we're now in the current state and, you
9 know, again, you know, from the budget perspective we -- the
10 20 companies have now been restored in the budget and we again
11 feel and OMB concurs a class is very much necessary.

12 Q Okay. For the reasons before except more exacerbated, is
13 that fair to say?

14 A The attrition is growing and that means the overtime is
15 growing.

16 THE COURT: So, that's another management decision?

17 THE WITNESS: To put in a class.

18 THE COURT: Right.

19 THE WITNESS: Well, a management decision to reduce
20 costs, yes.

21 THE COURT: Right. Go ahead.

22 Q Going down to B-7, what is that?

23 A Okay. I was just asked to provide the cost of a
24 probationary firefighter.

25 Q In response to some of the Court's inquiry?

Rush - direct - Lemonedes

41

1 A That's correct.

2 Q And that's what you've attempted to do?

3 A That's correct.

4 Q So, this is what the cost would be any time a group of
5 firefighters is brought in through an academy class?

6 A Right. So, any time you're hiring a firefighter you pay
7 the salary of the firefighter, fully loaded with fringes in
8 that initial year is about \$87,000, 86,980, and then you're
9 going to pay instructor costs. Now, how we figure --
10 calculate instructor costs, we have firefighters and officers
11 are in the fire houses who come in and serve as instructors
12 and those members are -- technically they're backfill because
13 we don't have positions established for them at the academy
14 where the training goes on. That creates overtime backfill,
15 that's an additional cost. And the last piece of it is that
16 when you hire a firefighter you have to outfit that
17 firefighter, you have to buy bunker gear, helmets, work
18 station uniforms, the whole assortment of clothing equipment
19 and the current cost for that is about \$5,000 per member.

20 Q So, returning to your earlier exhibit, this was why you
21 would be saving some money if there had not been a class
22 through June, right?

23 A That's right. Well, when we consider the savings we just
24 looked at the salary savings, we didn't look at instructor
25 savings or -- and, again, as I said earlier, these costs are

Rush - direct - Lemonedes

42

1 going to be there at some point in time, we're going to have
2 to pay these costs.

3 Q Okay. Can I turn your attention to Defendant's Exhibit
4 B-8. Can you tell me what that analysis is?

5 A So, I had a thought that given some concerns that you
6 related to me that potentially the list can be completely
7 thrown out and would take two years to hire, two years to be
8 ready to be in a position where you're going to hire.

9 THE COURT: Is that the presumption, that it will
10 take two years to hire another class?

11 MR. LEMONEDES: One of the assumptions that I
12 specifically asked, I can tell Your Honor, is based on what
13 I'm understanding from the experts, it's very possible that it
14 may take a year to 18 months to have a new exam in place with
15 a new eligible list. It will then take another six months to
16 process that eligible list and if that's what occurs, what
17 would be the impact on the city. So, it was an inquiry that
18 was made based on the information that counsel has had
19 concerning this litigation and I thought it would be
20 appropriate if Your Honor had the type of information that
21 that could result in.

22 THE COURT: Just so we understand what this is
23 predicated on, whether I accept the premise is a different
24 story but --

25 MR. LEMONEDES: Of course.

Rush - direct - Lemonedes

43

1 THE COURT: But the witness certainly is fulfilling
2 your request, so.

3 MR. LEMONEDES: And I am --

4 THE COURT: This is not a reflection -- that
5 question is not a reflection on the witness, it is just a
6 reflection on the premise.

7 MR. LEMONEDES: Yes.

8 THE COURT: And on you and who you represent.

9 MR. LEMONEDES: Of course, and I'm --

10 THE COURT: I'm not sure who you represent.

11 MR. LEMONEDES: I'm attempting to give Your Honor
12 the information to help you make a decision.

13 THE COURT: Okay. Thank you. Go ahead.

14 MR. LEMONEDES: Thank you, sir.

15 Q And given that premise, whether it is accepted or not,
16 what would the outcome be?

17 A Okay. In this analysis I tried to say, okay, let's try
18 to build in some inhibiting factors and the one inhibiting
19 factor I tried to build in was delaying the class till
20 September of 2012 but since the financial plan as stated has
21 the reduction of 300 firefighters beginning February 1st,
22 2001, which may or may not occur at that point because it
23 requires discussions with the unions and negotiations, but I
24 built that assumption in that there would be 300 less
25 firefighters in the mix to somewhat reduce the costs of this.

Rush - direct - Lemonedes

44

1 By delaying the class two years a whole number of
2 things happen. We're running up more and more overtime and as
3 we show, by delaying the last class to 2012 then we're in a
4 condition where we're probably in the neighborhood of 1,200
5 firefighters below head count. So, it is going to -- being
6 that far below head count, we're going to have to put classes
7 in starting in September 2012 of 300 to catch up.

8 Now, as you're putting in classes, you're also
9 losing people at the rate of about 40 per month, 50 per
10 month. So, as you put in a class that takes 18 weeks, you
11 only get the benefit maybe of two-thirds of that because --
12 or one-third of that class so it is going to take you a long
13 while to catch up with head count.

14 So, given that build-out and assuming no other
15 factors, we laid out the costs and the overtime would go up
16 over the period of time it would take us to get back to full
17 strength would be 2015 fiscal year, the overtime for that
18 period for those -- for that cumulative period would be
19 approximately \$250 million offset by salary savings of 129
20 million for a net cost to the city of \$119,000,531.

21 By the way, that does not take into consideration
22 the fact that as overtime increases, more members who are
23 pension eligible earn extra overtime, they may retire in
24 excess of the normal attrition numbers. So, the numbers we
25 play out here don't build that assumption in. After 9/11

Rush - direct - Lemonedes

45

1 there was a lot of overtime in the Fire Department,
2 subsequently after that a lot of members made a lot of
3 overtime and it made financial sense for them to retire
4 because once we started hiring again the overtime was going to
5 go down.

6 Q So, what you're suggesting is if overtime needs to be
7 carried for a significant period of time as from as managerial
8 point of view, you might be confronted with a situation where
9 attrition increases because now firefighters have had a larger
10 salary for a period which makes their pension more --

11 A Attractive.

12 Q -- attractive, is that accurate?

13 A That is.

14 THE COURT: Well, we're talking about apples and
15 oranges, if I may, are we not? You're talking about the cost
16 to the pension system which is certainly a consideration but
17 you're also talking about your expense budget costs in terms
18 of the fire fighting force that you will have in place in
19 let's say three years which may be less senior, so those
20 persons will be making lower salaries. So, there is an offset
21 to retirement and that is that you will be bringing in new
22 firefighters at a much lower salary level at least at the
23 beginning, right?

24 THE WITNESS: Yes.

25 THE COURT: You figured that into the process too?

Rush - direct - Lemonedes

46

1 Look, I'm not saying to you that one thing is better than
2 another thing, I'm just saying these numbers are subject to
3 you have to take a critical view of the expense budget numbers
4 but that's not the Court's main consideration, as you're well
5 aware, as I said earlier when you were in the room. So, I'm
6 pleased to receive this information but, you know, the costs
7 of this in terms of the city pensions and the amount of
8 overtime, it's interesting but doesn't it really cry out for
9 an early resolution of the question of creating a new test
10 from a budgetary standpoint.

11 THE WITNESS: The sooner -- if you were going to put
12 a new test in, obviously the sooner we had that list
13 established the better.

14 THE COURT: Okay. Let's continue.

15 Q And along those same lines, if there was a greater and
16 greater increase in the attrition rate, do you become more
17 concerned about from a managerial point of view about what's
18 going on with the Fire Department?

19 A Absolutely. If you run out -- when we ran out the
20 numbers where we get to the lowest level, at some point we'd
21 be down to about 7,500 firefighters, roughly a thousand -- 800
22 below the authorized strength because I'm taking 300 lines
23 down by the roster staffing reduction in the engine companies.
24 So, at that level you are now having a difficult time on a
25 daily basis, on a tourly basis fielding firefighters to work

Rush - direct - Lemonedes

47

1 that overtime. You're running overtime tours in excess of,
2 depending on the time of year, 300 to 350 firefighters per
3 tour. Firefighters, like other employees, like overtime but
4 when you get beyond a certain level, it becomes difficult to
5 get the people you want to work the overtime because they may
6 be not working that tour so you have to call them from home,
7 they may not be available. So, what happens is the people
8 that are most available are generally the people who are
9 closest to pension eligibility, so it's a vicious cycle.
10 We've had it happen more and it's affected us in losing
11 personnel in all different ranks by delays in hiring because
12 of -- a lieutenant's list was delayed because it wasn't
13 promulgated timely by DCAS, etc., etc.

14 (Continued on next page.)
15
16
17
18
19
20
21
22
23
24
25

1 THE COURT: Mr. Lemonedes, are you going to have a
2 witness -- I don't see a witness on your list, are you going
3 to have a witness to discuss the operational issues attendant
4 to the witness' last answer?

5 MR. LEMONEDES: I wasn't planning but I can
6 certainly look into doing that.

7 THE COURT: How much more do you have?

8 MR. LEMONEDES: Actually, not much more.

9 DIRECT EXAMINATION (Continued)

10 BY MR. LEMONEDES:

11 Q Turning to Defendant's Exhibit B-9, can you tell us what
12 that is?

13 A This is a document that the Office of Management budget
14 puts together. It does similar things that we do on
15 monitoring head count levels and active head count versus
16 planned hires and actual hires.

17 Q So as I'm looking down the list I see these PARs. Is
18 that the PARs we talked about?

19 A Personal action reports that go over to OMB to request a
20 class.

21 Q So this is when you are requesting classes?

22 A Yes, that's right, that columns represent when the fire
23 department has requested a license Florida OMB.

24 Q This would be consistent with your memo showing in
25 November -- is that a hundred, is that consistent with your

1 memo there requesting people?

2 A That is one year later. They didn't roll out the numbers
3 then.

4 Q I see.

5 Going to the next exhibit, B-10, can you tell us
6 what that is?

7 A This is the summation of the exercise when we go through
8 the program to eliminate the gap in the fall, November
9 December. Each year I think the City is required to come out
10 with a four-year financial plan that looks of the remainder of
11 the count fiscal year, in this case fiscal year 2009 and four
12 years out so it goes to 2013.

13 So this is the document that basically summarizes
14 what the actions were approved or put in place for the Fire
15 Department's budget in that fiscal year and beyond. So it's a
16 summation of all the budget reductions that we are facing, all
17 the revenue enhancements that we are implementing and various
18 other technical adjustments to the budget, things like
19 collective bargaining, et cetera.

20 Q Can I draw your attention to the page marked B-6,
21 specifically to the two items that have been marked.

22 Can you tell us what they mean from a budgetary
23 concern?

24 A In that fiscal year we put out a budget that required us
25 to start closing certain fire companies at night beginning in

1 January of 2009. So that was the first part of the reduction
2 and the savings associated with that and then effective
3 July 1, there was a plan to close an additional 12 companies.

4 THE COURT: Did you actually do that?

5 THE WITNESS: We actually put in place the plan to
6 close the companies at night but due to the fact that at that
7 point in time we had excess staffing, it didn't make any sense
8 to close the companies at night. The other part of the cut
9 which was 12 companies which later into that year became 16
10 companies in the springtime, they added four companies and
11 that whole reduction was night.

12 THE COURT: So those proposals were not related to
13 -- they were related to what you believed or at least the OMB,
14 right?

15 THE WITNESS: Yes.

16 THE COURT: OMB believed were the appropriate
17 staffing needs of the Fire Department, it was not an issue of
18 the budget itself?

19 In other words, their plan was that they could cut
20 these, the evening, the nighttime personnel and the 12 fire
21 companies, that was a strictly budgetary issue, it had nothing
22 to do with public safety in their opinion, well, in the city's
23 opinion?

24 THE WITNESS: Yes.

25 THE COURT: But it didn't happen?

1 THE WITNESS: Did not happen, no.

2 THE COURT: Let's go on.

3 Q This was one of the PEGs?

4 A Yes.

5 Q Going to the next Exhibit B-11, this is the adopted
6 expense budget, the adjustment summary?

7 A Right, and this -- now we're into July -- June of '09 and
8 in that point in time this is when the money was restored to
9 keep those -- keep the companies in place.

10 Q That's what we just talked about?

11 A Right. So the night closing issue is put aside and the
12 closing of companies is put aside, the money is found to keep
13 the companies open.

14 Q So the budget was what you said restored before?

15 A Yes, the restoration of the companies.

16 Q Now going to B-12. I draw your attention to the last
17 page of the exhibit. Tell me what it is generally and what
18 those portions would mean to you?

19 A In the spring of each year, April, the final budget
20 negotiations begin and that starts with the mayor coming out
21 with his executive budget.

22 So every April late April, early May the mayor
23 releases his executive budget. January he does the
24 preliminary budget, April the executive budget. That is his
25 final budget for the years subject to negotiations with the

1 City Counsel. When he delivers the executive budget, there is
2 also the message of the mayor and prepared by OMB there are a
3 lot of facts and figures on the state of the City, the
4 economy, the budget, et cetera, and it has a section on each
5 of the agencies, what are going to be happening to those
6 agencies in the coming fiscal year.

7 Q Going to the last page again.

8 A At that point which was several months ago on the table
9 for reduction were the elimination of the fifth firefighter
10 post at 16 engine companies and the elimination of four
11 companies in the Fire Department's budget. However, since 16
12 companies were not already in the budget, effective July 1 the
13 mayor's budget proposed, the City's budget proposed the
14 closing of 20 companies.

15 THE COURT: But this had to do with budgetary and
16 management decisions or proposals, it had nothing to do with
17 this litigation as far as you know?

18 THE WITNESS: That's correct.

19 THE COURT: Next.

20 Q Going to B-14, what is that?

21 A B-14 again is similar to the earlier exhibit where it
22 shows the restoration of the funding, 20 companies were
23 restored. So the fifth firefighter position was not restored
24 and that is scheduled to be implemented February 1, 2011.

25 THE COURT: Anything else for this witness?

1 MR. LEMONEDES: Very briefly.

2 Q Rather than all of the different numbers that we have
3 looked at, could you succinctly answer a few of the questions
4 specifically that the Court was looking at.

5 Why is it that we would be need be to hiring from a
6 budgetary concern? Why would we need to hire a class at this
7 time?

8 A Again, to reiterate, the cost of a probationary
9 firefighter is far less expensive than paying overtime to an
10 average firefighter on the job, again, that twenty-one dollar
11 versus 55-dollar an hour difference. From an economic point
12 of view, hiring extra firefighters even beyond the levels we
13 are suggesting, would make sense.

14 Q What is the basic overtime that this is costing us on a
15 monthly basis approximately?

16 A Initially we're estimating about \$2 million. Again, the
17 numbers you have to look at it on the long-term and that's
18 what a couple of my exhibits attempt to do because in the long
19 term, as you delay classes, you delay the next class,
20 attrition keeps going, then you have to then field more
21 overtime to meet your staffing needs on a daily basis.

22 We either have to staff the companies on overtime or
23 close companies or reduce staffing. Those are the only
24 alternatives.

25 MR. LEMONEDES: Just one minute, your Honor, and I

1 think I'm pretty much done. I tried to move expeditiously for
2 you.

3 THE COURT: Thank you.

4 MR. LEMONEDS: Thank you very much, your Honor.

5 THE COURT: Any questions from the United States of
6 America?

7 MS. SEELEY: Very few, your Honor, to make sure that
8 I understand a couple of these exhibits.

9 THE COURT: You may inquire.

10 CROSS-EXAMINATION

11 BY MS. SEELEY:

12 Q The first one is very simple, Mr. Rush.

13 If you would look at Exhibit B-2 which is the
14 exhibit that showed attrition. I just wanted to make sure you
15 understood.

16 The attrition you are talking about here is only
17 from the entry level firefighter ranks, not from higher
18 ranking firefighters?

19 A Correct.

20 Q And then if we could look at Exhibit B-4 for a minute,
21 and I just want to make sure I understand how you came up with
22 these numbers. If we look at the column for November that we
23 looked at before on this exhibit where you show by this time
24 the fiscal year 2013, there is no cost and savings, it's
25 balanced out. Am I correct that is because as I believe is

1 shown in Exhibit B-5, that the method you used assumes that
2 you could have hired all the classes you planned through
3 fiscal year 2013 essentially on time? By the time you get the
4 fiscal year 2013, you will have hired everyone you planned to
5 hire, is that correct?

6 A That's correct.

7 Q And if we look at the column, the last column on B-4, the
8 one for June that we were looking at before, the way that you
9 came up with those figures is by using the date shown in the
10 last row on Exhibit B-5, right?

11 A Now we are delaying a class until June, so that means you
12 are going to have salary savings for 300 firefighters, 312
13 firefighters from August to June, and then you are going to
14 have a salary savings on another 300 firefighters originally
15 scheduled in January of this coming -- this coming January you
16 are delaying that until next fiscal year, you are saving on
17 all those salaries.

18 Q My question is: In coming up for the numbers that you
19 show on B-4, what you are assuming is that the class sizes
20 that you have planned would stay the same, correct? You are
21 not assuming that you will make up any of those delayed
22 firefighters by hiring a larger class for instance than 211 in
23 fiscal 2012, right?

24 A That is the assumptions of this model, correct. I have
25 actually looked at that same issue and you could indeed

1 accelerate some of the hires. It would mitigate some of the
2 cost but the numbers would be probably -- in the June
3 instance, probably approximately \$5 million less. That
4 analysis that I just ran but it was not in time to present.

5 Q Did you look at any analysis summing a class larger than
6 300 for any of these class?

7 A No, because 300 is the maximum number we can field in
8 given the time and space issues at our academy.

9 Q But you plan a class of 312 for the next class?

10 A It's a number that personnel sends out -- we usually plan
11 300. Personnel sends it requests sometimes in excess of the
12 300 number because within a couple of days in the academy
13 people drop out and generally that 312 number, we probably
14 wind up with like 280, 290 that really stay with the academy.

15 Q To your knowledge, has the academy ever run classes of
16 more than 312?

17 A Not in my career with the Fire Department, which is 30
18 years.

19 Q Then I just had one other question about Exhibit B-7
20 which is the one dealing with the cost of training a
21 firefighter.

22 A Okay.

23 Q I just wanted to make sure I understand this. In the
24 section labeled instructor cost per class and you come out
25 with a little over 3.2 million there?

1 A Correct.

2 Q That cost doesn't depend on how many candidates -- it
3 wouldn't be candidates -- how many newly hired probies there
4 would be in the class?

5 A It does. Generally there is a ratio roughly one to five
6 but these numbers from predicated on approximately 39
7 instructors which is a max class. When I say max class, I
8 mean 300.

9 Q And the total amount per probie trained that you come up
10 with here essentially dividing the total by the 312 you plan
11 to have going into this class, that is the total cost if the
12 probably goes all the way through training?

13 A Right, that is the salary cost that we have to pay in
14 probationary school.

15 Q So somebody who enters the class then flunked out or was
16 terminated for whatever reason before they completed the
17 course?

18 A That's correct.

19 MS. SEELEY: That's all I have now, your Honor.

20 I would -- I don't think there would be any but to
21 the extent that we have any questions after looking at the new
22 exhibit we just got today and the underlying materials, I
23 reserve the right to question Mr. Rush again.

24 THE COURT: Very well.

25 Mr. Levy.

1 CROSS-EXAMINATION

2 BY MR. LEVY:

3 Q Mr. Rush, good morning.

4 Isn't a fact that in 2003, in that one year the Fire
5 Department hired 1196 firefighters?

6 A I can't testify to the exact number but we did hire a
7 large number of firefighters.

8 Q Something in excess of a thousand?

9 A We had probably three classes, maybe more, the classes
10 were of shorter duration then.

11 Q The classes have changed in duration up and down over
12 time, isn't that correct?

13 A They went up as high as 23 weeks for one class a couple
14 of years ago, and we're back down to where we are at now,
15 about 18. In the earlier period, we were at about 12 to 13
16 weeks.

17 Q So the Fire Department can do classes in 12 or 13 weeks
18 as far as you know?

19 A The way it's established right now is that it's 18 weeks.

20 Q I understand that.

21 A You are asking --

22 Q Your experience?

23 A We would not be prepared to reduce them in training
24 because we feel 18 weeks is essential to train a probationary
25 firefighter.

Rush/Cross/Levy

59

1 Q I heard and I'm wondering if you've heard that actually
2 the curriculum is finished in less time, in the last several
3 weeks or months even, the firefighters have very little to do
4 at the academy?

5 THE COURT: This is really a question for the
6 academy not for Commissioner Rush.

7 If you'd like to call a witness or subpoena a
8 witness on that subject, I'll certainly consider it but I
9 don't think that it should not be the subject of
10 cross-examination.

11 MR. LEVY: Okay.

12 Q Commissioner Rush, the last class that the Fire
13 Department hired, was it July of '08?

14 A That's correct.

15 Q Now, the Fire Department could have hired a class in
16 December of 08?

17 A We -- if there were no outside factors, yes, that would
18 have been the original plan, yes.

19 Q Other than budgetary concerns, whatever they may have
20 been, there was nothing else impeding a hiring in December
21 '08, is that correct?

22 A Correct.

23 Q Had you hired in December '08, you could have hired
24 another class perhaps in March of '09, is that right?

25 A 18 weeks later, whenever that date would be.

Rush/Cross/Levy

60

1 Q Late March of '09?

2 You could have had another class in August 09?

3 A All depending on attrition, but yes, based on the numbers
4 that we are throwing out. If there were no inhibiting factors
5 on the budget or no other factors, yes, we would be hiring.

6 Q And you could have had another class in December '09?

7 A Correct.

8 Q And presumably you could have had another class in March
9 or April of '10?

10 A We generally with the way the instruction is now with 18
11 weeks of training, we generally would have approximately two
12 classes in the year. You could get a third class in
13 depending.

14 Q So the fact that the numbers are what they are today is
15 the product of decisions that the City has made -- I use the
16 City collectively here, not maybe just you, me, maybe it's
17 OMB, maybe it's the mayor, but the City made decisions that
18 basically limited your hiring over this past two year period
19 and there could have been five classes, 1500 more firefighters
20 and no overtime issue confronting us today, is that right?

21 A That's correct, except we were inhibited by proposed
22 budget reductions.

23 Q Even though in some of these instances the budget
24 reduction had the possible or probable effect of raising your
25 costs overall or those decisions not to hire I should say had

Rush/Cross/Levy

61

1 the effect of raising your costs overall in the long run
2 because of projected attrition rates and the need for
3 overtime?

4 A The thought process being that raising costs in the
5 short-term to save in the long term. So you would have a
6 short-term bump-in cost because you are paying more overtime,
7 then you drop the head count and you have those savings in
8 perpetuity.

9 Q This decision to decrease the staff on the engine
10 companies from five to four, that is in the current budget?

11 A Correct.

12 Q And that is in your calculations or not in your
13 calculations?

14 A When I did the long-term calculation of the delay of the
15 class in two years, that is in there. The likelihood of it
16 happening February 1st, that depends. It's in the budget but
17 it could be challenged and likely will be challenged by the
18 union as to safety issues and which could require an
19 arbitration and a hearing that could take over a year to be
20 concluded. It could be negotiated.

21 There are different possibilities but indeed, it is
22 in the budget right now.

23 Q And the proposal is coming from the Fire Department?

24 A From the Fire Department, correct.

25 Q And is it fair to say or as far as you know, is the view

Rush/Cross/Levy

62

1 of the Fire Department that they could reduce staff from five
2 to four on those 16 engine companies without jeopardizing
3 public safety?

4 A That has been our feeling all along and 134 engine
5 companies already operate safely with four firefighters.

6 Q Is it also the petition of the Fire Department reflected
7 in various proposals, some of which I think are still on the
8 table, that you could also reduce firehouses without an impact
9 on public safety?

10 A The commissioner has testified before the City Counsel
11 numerous times about the closing of companies. He has said
12 that there would be an impact on response time and he did not
13 say that public safety would be jeopardized but certainly
14 there would be an impact, we would do our best to minimize
15 that impact.

16 Q The number of fires in the city, particularly serious
17 fires has been falling substantially over the last year, is
18 that true?

19 A The number of serious fires, yes, have been falling. All
20 told, there are about 26,000 structural fires per year.

21 THE COURT: And response time?

22 THE WITNESS: Response time is good.

23 THE COURT: Has it been improving?

24 THE WITNESS: It has been improving. Probably for
25 structural fires, somewhere city-wide about four minutes.

1 Q As we talk about these numbers, just to give them
2 context, what is the budget of the Fire Department?

3 A Approximately about 1.6 billion.

4 Q And the number of firehouses that is consistently on the
5 table for potential closing is 20, did I understand that
6 right?

7 A The way it's structured is that when the City Counsel
8 restores funding, and they did restore funding in an agreement
9 the mayor when they adopted the budget for fiscal 2011, that
10 funding is restored just for that fiscal year, the fiscal year
11 we're now in. So effective next physical year, there is no
12 money in the budget to support those 20 units but that will
13 again have to be negotiated out with the counsel during budget
14 adoption.

15 Q But it's the Fire Department's position that it would be
16 effective in terms of its operations and its budget to close
17 those 20 houses?

18 A The commissioner again has testified that he would rather
19 not close companies at all but given the physical conditions,
20 if he is required to close questions, he would try to select
21 the companies which would have the least impact but there
22 would be some type of impact on response times of that nature.

23 Q By the way, when someone is promoted, and I'm thinking of
24 your Exhibit B-2, let's say to lieutenant, do they continue to
25 be -- do they physically go to the scene and fight fires?

Rush/Cross/Levy

64

1 A They do. They supervise the scene of the fire. So a
2 lieutenant or a captain who would be on duty -- there is
3 always a lieutenant or captain on duty with the firefighters
4 when they respond.

5 Q So you included in your attrition numbers those
6 promotions but they are not really off the scene, they are
7 still on the scene, they are not retired, they are still part
8 of the group there that is fighting the fire?

9 A Yes, but they are not part of the firefighter rank and
10 therefore they don't fill a firefighter slot on the company so
11 if we have to have five firefighters, you can't say the
12 lieutenant will counts as one of those firefighters.

13 Q Right, but you are talking about how you set up payroll
14 and how you categorize people?

15 A Actually, how we are required to staff companies.

16 Q That too, but can a lieutenant hold a hose?

17 THE COURT: Can we -- I'm going to ask that this
18 afternoon we have someone here at the commissioner level, not
19 the commissioner himself unless he wants to attend, he is most
20 welcome to be here, but at the commissioner level who can go
21 into these operational issues including the issue of overtime
22 and how much overtime would create potential safety issues as
23 opposed to the cost issues. But I need to have someone here
24 this afternoon so we can finish this hearing this afternoon.
25 And I don't think that this witness is the right witness for

Rush/Cross/Levy

65

1 that discussion, and certainly it's not appropriate
2 cross-examination.

3 Yes?

4 MR. LEMONEDES: If I can simply ask that we would
5 have until next time to give me an opportunity to speak to
6 whoever it is that I'm going to be presenting for a witness
7 rather than my having to call somebody?

8 THE COURT: Why wouldn't they have the ability to
9 just tell us?

10 These are not issues that these professionals who
11 have had many years of service in the Fire Department,
12 managing it, as firefighters and so on, couldn't just come in
13 and tell us as if I was having lunch with someone.

14 The objective here is to get as much information as
15 the Court can get about the kinds of issues that Mr. Levy is
16 questioning this witness about for which he really does not
17 have the, with all due respect, the operating expertise.

18 So we can discuss it more later but my belief is
19 that you can run down the street to the Fire Department
20 headquarters, I can walk over there and I'll bet there are a
21 number of people over there who would be perfectly capable of
22 coming over here, a five minute walk, to explain the answers
23 to some of these questions.

24 It is not untenable to expect that they would be
25 able to do so.

Rush/Cross/Levy

66

1 Now, if you want some time to prep a witness and do
2 it at 3:00 in the afternoon, that is fine but I want to see
3 somebody here unless there is nobody around who could possibly
4 provide this information, which I strongly doubt, but I'll
5 talk to you later about it.

6 MR. LEMONEDDES: Thank you.

7 THE COURT: Go on.

8 Anything else?

9 MR. LEVY: I just want to make sure I understand one
10 or two other things, judge.

11 Q 1 of them is you I believe testified that you advocated
12 the hiring of a class in 2009?

13 A Correct.

14 Q At the time, from a budgetary standpoint, that would have
15 been in your view a sound thing to do?

16 A Yes.

17 Q And that did not happen?

18 A Correct.

19 Q Now, with respect to the earlier periods and that period,
20 and the judge asked this question, I'm not sure we covered it
21 all, were any of those decisions not to put in classes the
22 four or five that might have gone in over the last couple of
23 years, were any of those decisions based in any way on this
24 case?

25 MR. LEMONEDDES: Objection.

Rush/Cross/Levy

67

1 THE COURT: I'll allow you to answer. It's a
2 broader question than the one I asked.

3 MR. LEVY: I'm sorry.

4 THE COURT: It's a broader question than the one I
5 asked, so I'll allow you to answer it.

6 THE WITNESS: Not to my knowledge.

7 THE COURT: Okay.

8 Next.

9 Q Do you know if the academy has ever had staggered classes
10 where some people go in the morning and some people go in the
11 afternoon?

12 A They sometimes do that when they are fielding a class as
13 large as 300.

14 MR. LEVY: I have nothing further.

15 THE COURT: Anything else from the City?

16 MR. LEMONEDES: Not from this witness.

17 THE COURT: As has been requested by the United
18 States, I'm going to leave open the possibility that the Court
19 may ask you to return to deal with some issues that may
20 present themselves after the parties have had a chance to look
21 at the statistics that you have provided.

22 Let me say this. First of all, commissioner, thank
23 you very much for your prompt handling of these questions and
24 the preparation of these exhibits. I think that it's helpful
25 to the Court to see them and to hear from you and the Court

Rush/Cross/Levy

68

1 also wants to say the following.

2 The Court appreciates the professionalism of
3 yourself, OMB, and other city officials in fulfilling their
4 duties, and the questions that are being asked here by me and
5 by others is absolutely no reflection on the quality and level
6 of your professionalism and we thank you for participating.

7 THE WITNESS: Thank you, your Honor.

8 THE COURT: You are excused.

9 (Witness excused.)

10 MR. LEMONEDDES: Does your Honor want the next
11 witness?

12 THE COURT: I'd like to talk about the question of
13 who the witnesses are.

14 Who is your next witness?

15 MR. LEMONEDDES: Deputy -- Assistant Commissioner
16 Queenan who had been here previously to address some of the
17 specific questions that your Honor raised during the
18 conference.

19 THE COURT: Then you have one additional witness
20 that I am wondering about, Christopher Erath, PhD?

21 MR. LEMONEDDES: Yes, doctor --

22 THE COURT: Why is he a witness?

23 MR. LEMONEDDES: Dr. Erath is a statistician and he
24 specifically is the individual who prepared the summary
25 exhibit which is summary Exhibit F. I think it's now F-1. It

1 should be in your Honor's book.

2 It's my understanding that the plaintiff and
3 plaintiff intervenors have acknowledged that the data that
4 that exhibit provides, your Honor, is accurate and therefore
5 this was basically going to be presented as a summary exhibit
6 for your Honor to have and I wasn't necessarily requiring Dr.
7 Erath to come on in for testimony.

8 I was going to use him because he is the basis for
9 creating that document. I also have a declaration from him on
10 how it was created. And certainly to the degree that
11 your Honor wishes to hear from him, I can ask that he come in
12 but given the agreement that basically exists between counsel,
13 it was in order for me to get to document in.

14 THE COURT: Got it.

15 Can I hear from the plaintiff and plaintiff
16 intervenor.

17 MS. SWEDISH: Your Honor, we have no objection to
18 the accuracy of this exhibit as it was created in July,
19 however, we do question its relevancy given the fact that the
20 City had provided additional information about further
21 processing and so the difference between the July exhibit and
22 the current processing as of August 2, these percentages in
23 Dr. Erath's exhibit are no longer as precise as they were
24 then.

25 THE COURT: Let's talk about relevance first before

Rush/Cross/Levy

70

1 we talk about accuracy because the primary question here is
2 how is it relevant to this proceeding as opposed to other
3 aspects of the case.

4 MS. SWEDISH: These exhibits deal with the
5 candidates who have been disqualified in the processing of
6 Exam 6019.

7 THE COURT: Anything from you Mr. Levy? Anything
8 else?

9 MS. SWEDISH: No, I would also point out that the E
10 series of exhibits were similarly prepared using the July
11 processing data. We don't object to them however because the
12 difference in candidate process is about 350, that doesn't
13 have as great an impact on the percentages of the E exhibits
14 because that looks like the pool of candidates as a whole,
15 that 22,000 candidates, whereas the F exhibit is a much
16 smaller.

17 THE COURT: Mr. Levy, anything from you?

18 MR. LEVY: Not by way of an objection. I would only
19 say that I'm not sure what this material adds to the inquiry
20 that is before the Court at the moment. Some of it has to do
21 with the frequency of disqualifications and I don't know how
22 that at this point is relevant, disqualifications on various
23 grounds.

24 I think it may come up later at some point as an
25 issue because I think there are serious questions about why

1 blacks are disqualified at a greater rate than Hispanics and
2 whites. That may be an issue that the Court may want to
3 monitor but I don't see that it's particularly relevant right
4 now.

5 The other piece which has to do with bonus points
6 could be summarized in three words, minorities get more. And
7 that's what the charts show. So the only possible relevance I
8 can see to all this potential testimony and exhibits relating
9 to bonus points is that if we were to do a selection procedure
10 that was based on bonus points as opposed to an invalid test,
11 we would not have a Title VII problem but it would be one way
12 to go.

13 MR. LEMONEDES: One of the primary disputes between
14 both plaintiffs, plaintiff-intervenors and defendant is the
15 significant difference in asserting disparate impact based on
16 actually hiring, actually given a piece of paper saying you
17 are now a firefighter.

18 It is the City's position that in meeting your
19 Honor's determination, what is necessary is that the
20 firefighter, the candidate go through the selection process
21 and be given an opportunity to become a firefighter.

22 What that candidate does with that opportunity is up
23 to the candidate. That is very much what we are attempting to
24 assert and present evidence to your Honor on that issue
25 because it's highly relevant to the most significant dispute

1 that exists between plaintiff, plaintiff-intervenors and the
2 City.

3 It's their insistence that it doesn't matter what
4 happened in processing, you are required to have X number of
5 minorities, X number of blacks, X number of Hispanics in each
6 class. And that's certainly one of the presentations that
7 have been made to your Honor in this case.

8 THE COURT: That is the U.S. Government's position?

9 MR. LEMONEDES: It had been their position in one of
10 the letters that had been submitted to your Honor.

11 It is our position that all that is necessary is in
12 fact the opportunity to be processed. And very specifically,
13 it concerns, I can tell you, the summary judgment issue. For
14 example, one of the problems that the City has in the summary
15 judgment issue regarding 7029 and 2043 is that one of the
16 things that Dr. Siskin does is he calculates the shortfall and
17 says there should be somebody in that class when in fact the
18 data shows that there were candidates, African-American and
19 Hispanic, who had been processed, had been given the
20 opportunity to go through processing but they dropped out,
21 didn't show, didn't appear, and still there is a claim that
22 that is discriminatory. And it's the City's position that
23 that is not. And that's what this information is being
24 provided to you for as concerns the dual issues that we are
25 talking about. We're talking about the issues of the City's

1 need to end up hiring and the ways in which the City should be
2 hiring.

3 So this concerns the second aspect of what
4 your Honor has been talking about. I would be happy to
5 provide your Honor with a more updated version. I'm sure that
6 could be run very easily and your Honor could have the most
7 updated version to date.

8 I was simply attempting to move this process as
9 quickly as possible.

10 THE COURT: I see.

11 MS. SEELEY: If I may, I would like to state for the
12 record that I don't agree with counsel's characterization of
13 the United States' position but I don't think that that is an
14 issue for this hiring.

15 THE COURT: Right, it's not an issue for this
16 hiring.

17 MS. SEELEY: Thank you.

18 THE COURT: The issue for this hearing is for the
19 Court to determine the need for an immediate implementation of
20 an academy class and to identify the factors that would speak
21 either for it or would be neutral and whether we can wait
22 beyond this fall and so it's to have information about the
23 statistics about cost.

24 The Court also wants to have information about the
25 operational needs of the Fire Department taking into account

1 the City's ongoing position that it could close firehouses
2 without adversely impacting public safety, which has been the
3 City's position according to this, the evidence that has
4 already been presented here, it's been the City's position for
5 sometime as to what would happen to candidates once they have
6 taken the test and passed the written test, whatever the test
7 may be, and the next steps in the process. That is really not
8 the subject here.

9 I'm willing to take your evidence if you update it
10 but I don't know that it's relevant and I'm going to reserve
11 on the relevance question because I'll use it if I think it's
12 relevant and I won't use it if I don't think that it's
13 relevant, but certainly if you want to offer it, you can put
14 it in. Just put in a more current version of it.

15 MR. LEMONEDDES: I would be happy to.

16 THE COURT: And if the other parties don't object,
17 then we'll just have it in the record for what it's worth.

18 MR. LEMONEDDES: That is fine.

19 THE COURT: And we don't need a witness if you give
20 me a declaration with it indicating that the person who
21 created it is so and so and that it's current information as
22 of a certain date and so forth.

23 Is that all right with you?

24 MS. SEELEY: Thank you.

25 THE COURT: Is that all right with you, Mr. Levy?

Rush/Cross/Levy

75

1 MR. LEVY: Yes.

2 MR. LEMONEDES: I would be happy to.

3 THE COURT: Next witness.

4 Does anyone want to take a short break?

5 MR. LEMONEDES: Yes.

6 THE COURT: You do? Everybody else here is ready to
7 go, Mr. Lemonedes.

8 We'll take a five minute break.

9 (Recess.)

10 (Continued on next page.)

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

1 THE COURT: Please be seated.

2 MR. LEMONEDES: With the Court's permission,
3 Commissioner Queenan.

4 THE COURT: Come on up, commissioner.

5 I have a couple of housekeeping matters but you
6 certainly should make yourself comfortable.

7 THE WITNESS: Thank you.

8 THE COURT: You may swear in the witness.

9 DONAY QUEENAN, having been called as a witness,
10 first being duly sworn, was examined and testified as follows:

11 THE COURT: Just state and spell your full name for
12 the record.

13 THE WITNESS: First name D-O-N-A-Y, Donay; last name
14 Queenan, Q-U-E-E-N-A-N.

15 THE COURT: Thank you.

16 Mr. Lemonedes, the Court has had a request from the
17 media for the exhibits that have been introduced and would you
18 please make those exhibits available to anyone who wishes to
19 have them.

20 MR. LEMONEDES: Certainly.

21 For the B series --

22 THE COURT: For the B series, the ones that have
23 been admitted.

24 MR. LEMONEDES: Yes, sir.

25 THE COURT: All right. Okay.

1 Are you ready?

2 MR. LEMONEDES: Is there anything further that you
3 wanted to mention?

4 THE COURT: Did you find a witness for this
5 afternoon?

6 MR. LEMONEDES: That's exactly what we are
7 attempting to do, to produce either the chief of the
8 department or the chief of operations.

9 I would ask with your permission to have some time
10 to do that, maybe 2:30 if that is all right. That would give
11 me at least an opportunity to have a brief conversation.

12 THE COURT: Yes, that is fine.

13 The question I have for Mr. Levy is whether you
14 might have --

15 I suggested that I might take you up on your offer
16 of a witness on the subject of operational issues from the
17 perspective of the fire officer but it's not a requirement and
18 I'm wondering --

19 MR. LEVY: If that fits in, I think we might do it
20 on a couple of issues.

21 I might call Captain Marshall.

22 THE COURT: Do you want to do that after this
23 witness or do you want to wait until after the commissioner or
24 chief of department testifies?

25 MR. LEVY: That might be better.

1 MR. LEMONEDES: What?

2 THE COURT: After your witness testifies.

3 MR. LEMONEDES: Great.

4 Thank you, sir.

5 THE COURT: You may inquire.

6 MR. LEMONEDES: Thank you.

7 THE COURT: About how much time do you have with
8 this witness?

9 MR. LEMONEDES: Me, an hour, 40 minutes.

10 THE COURT: So we might go until after lunch.

11 MR. LEMONEDES: Okay.

12 THE COURT: If you are finishing up around 1:00,
13 1:15, we can just go right through and then you'll have some
14 time with your witness, your next witness.

15 MR. LEMONEDES: Thank you.

16 THE COURT: That is fine.

17 All the more reason to be succinct.

18 MR. LEMONEDES: I'll do my best.

19 DIRECT EXAMINATION

20 BY MR. LEMONEDES:

21 Q Again, may I present the witness with premarked exhibits
22 A-1 through A-10.

23 THE COURT: Did you want to say something?

24 MS. BURRELL: Yes, Exhibit A-1 through A-10, we have
25 two objections. One is with respect to Exhibit number A-4-A

1 and A-7 through A-10 which is the same objection we had
2 earlier to the B series of exhibits which we only received
3 this morning.

4 We'd like to have an opportunity to review those and
5 reserve our ability to ask further questions based on those if
6 that becomes necessary.

7 THE COURT: Any objection?

8 MR. LEMONEDES: No.

9 THE COURT: I'll receive them when they are offered
10 subject to that condition.

11 MS. BURRELL: Thank you, your Honor.

12 We also have a substantive objection to Defendant's
13 Exhibit A-5, which is a document entitled candidates physical
14 ability test second edition.

15 This is a document that was on the defendant's
16 exhibit list for the validity hearing and was excluded based
17 on the United States' motion in limine.

18 We'd object to the admission of this document at
19 this hearing on the grounds that it's hearsay, contains expert
20 and lay opinion testimony and that it bears no relevance to
21 the issues that the Court is considering today regarding
22 whether the City can establish a need to hire firefighters.

23 THE COURT: If it's offered, I'll hear argument from
24 the defendant on it and then I'll rule.

25 MS. BURRELL: Thank you.

1 THE COURT: Go ahead, Mr. Lemonedes, you may
2 inquire.

3 DIRECT EXAMINATION

4 BY MR. LEMONEDES:

5 Q Assistant Commissioner Queenan, do you remember that you
6 had previously given testimony to this Court before regarding
7 this case?

8 A Yes.

9 Q I want to now draw your attention specifically to the
10 additional issues that have been presented by the Court during
11 the last conference. And in part of doing that I need to
12 begin by going back to your prior testimony.

13 You had talked about how the process works when a
14 candidate is now being considered and is given an opportunity
15 to be selected as a firefighter.

16 Do you remember giving testimony about that?

17 A Yes.

18 Q Just to try and cut to the chase, at that time you
19 mentioned something about a -- something being mailed out to
20 the candidate for the candidate to review and complete and
21 return?

22 A That's correct, the application intake package.

23 Q Can I ask you to take a look at Exhibit A.

24 A Sure.

25 Q And tell me what it is?

1 A This is the applicant intake package that is sent to the
2 candidate approximately four weeks before their first intake.

3 Q What is the candidate expected to do with this?

4 A The candidate is expected to read all the material
5 provided and to answer everything truthfully and honestly to
6 the best of their ability and to provide any documents that
7 are also requested at the time of their intake.

8 Q So the next thing if I remember from your prior testimony
9 was that the candidate comes to an intake and you mentioned
10 that.

11 During the intake, could you just briefly remind us
12 what happens?

13 A During the intake the candidates meet with various
14 investigators who go over the intake package with them to
15 insure its completeness and they also take copies of any
16 documents that they provide that present who they are, their
17 employment eligibility, citizenship, birth certificate, those
18 kinds of documents, driver's license.

19 Q So they go through what we now have as Exhibit A-1?

20 A Yes.

21 MR. LEMONEDES: I move for admission of Exhibit A-1,
22 your Honor.

23 MS. BURRELL: No objection.

24 MR. LEVY: No objection.

25 THE COURT: Exhibit A-1 is in evidence.

1 (So marked in evidence Defendant's Exhibit A-1.)

2 Q Can I draw your attention to Exhibit A-2.

3 Can you tell me what that is?

4 A This form is completed when the candidates are going to
5 be fingerprinted for an FBI fingerprint.

6 Q So let me just be clear. Now we're talking about the
7 point in time where the intake is occurring, the candidate is
8 there at the facility at is given this form?

9 A That's correct.

10 Q Who completes the form?

11 A The candidate.

12 Q So the candidate is asked to give all of this
13 information?

14 A Yes.

15 Q Including self-identifying ethnicity?

16 A That's correct.

17 Q What happens when the candidate completes this form?

18 A It's put into their investigation package and used when
19 we do the fingerprint process.

20 MR. LEMONEDES: I move for Exhibit A-2's admission.

21 MR. LEVY: No objection.

22 MS. BURRELL: No objection.

23 THE COURT: Exhibit A-2 is received in evidence.

24 (So marked in evidence Defendant's Exhibit A-2.)

25 Q Again now turning more specifically to some of the

1 concerns addressed by the Court during the August 11
2 conference.

3 Let me draw your attention to Exhibit A-3.

4 Could you tell me what that is?

5 A This is a list of all of the candidates that have been
6 under consideration for the last two classes. This is
7 number 1 through 2121.

8 Q This is for the open competitive exam?

9 A 6019, open competitive exam 6019.

10 Q What does the printout indicate for us?

11 A The printout provides the candidate's list number, their
12 rates, their name and their current status.

13 Q That is the current processing status?

14 A That's correct.

15 Q I am looking down --

16 MR. LEMONEDES: I move for admission of A-3.

17 MS. BURRELL: No objection.

18 THE COURT: Mr. Levy, any objection?

19 MR. LEVY: I just have an issue about completeness.

20 THE COURT: What? I can't hear you.

21 MR. LEVY: No objection.

22 Q Mr. Levy mentioned something about completeness. In an
23 attempt to address that, may I ask --

24 Have I interrupted you?

25 THE COURT: No.

1 If you want to voir dire the witness on the exhibit,
2 that is your privilege.

3 MR. LEMONEDES: I just wanted to know whether it's
4 admitted or not.

5 THE COURT: So you're offering it?

6 MR. LEMONEDES: Yes, I have offered it.

7 THE COURT: Exhibit A-3 is received in evidence.

8 (So marked in evidence Defendant's Exhibit A-3.)

9 THE COURT: I have a question.

10 The question is: Is this a public list or is this a
11 confidential personnel list that should be sealed up?

12 There are a lot of names here and a lot of
13 information here about why people were found not qualified.

14 I'm not sure that this information is appropriate
15 for public disclosure.

16 MR. LEMONEDES: I think that is exactly the point,
17 your Honor, and I should have presented that immediately when
18 I said I offered it.

19 THE COURT: All right.

20 MR. LEMONEDES: So I offer it and ask that it be
21 appropriately marked as confidential by your Honor.

22 THE COURT: Right, and it's available only to the
23 parties.

24 Go ahead.

25 Q I want to specifically address something which I think

1 Mr. Levy might be referring to.

2 I'm asking you to look down on our list and look
3 down the one, two, three, four, five, six, seven, the eighth
4 space down, row down.

5 You will see that there is no indication under the
6 individual's race. And in answering my question, I ask that
7 you do not give the list number, the individual's name or such
8 identifying information about that person but could you
9 explain for the Court why it would be that that information of
10 the race identification would not be there on this document?

11 A The candidate failed to report current investigation and
12 therefore they could not self-disclose.

13 Q So what we are doing then, what you are doing then is
14 referring me back to Defendant's Exhibit A and because that
15 exhibit had not been completed with the candidate listing
16 ethnicity, there is no indication on Exhibit A-3 regarding the
17 candidate's ethnicity, is that accurate?

18 A Because they did not complete Exhibit A-2.

19 Q Now, to again more specifically address some of the
20 Court's inquiry during the August 11th conference, you had
21 previously testified that the prior academy class concerning
22 exam 6019 for the eligibility list for 6019 was composed of
23 220 candidates from list 6019.

24 Do you remember that?

25 A That's correct.

1 Q You also indicated that there were 88 candidates from
2 promotional list 6506.

3 Can you tell us what promotional list 6506 is?

4 A Promotional list 6506 is a list of eligibles who took an
5 exam who were permanent emergency medical technicians,
6 emergency services technicians, and applied for -- took an
7 exam for promotion to firefighter.

8 Q They took a --

9 Withdrawn.

10 They took an exam, a civil service exam in order to
11 be promoted from an EMT to an entry level firefighter?

12 A That's correct.

13 Q Can you tell us about 6506, how if at all is it different
14 than exam 6019 or entry level firefighters?

15 A The exam is exactly the same as is given to open
16 competitive firefighters.

17 Q What happens when an EMT takes the promotional exam 6506
18 and passes?

19 A They are processed basically the same way as the open
20 competitive candidates, however they are considered first for
21 appointment to class.

22 Q For example, if a candidate, if an EMT takes a
23 promotional exam, passes it, that EMT is considered for
24 employment before any of the candidates that are listed on the
25 open competitive exam 6019?

1 A That list must be used first, yes.

2 Q Can you identify for the Court whether there are other
3 candidates from 6506 who might be available to be hired at
4 this time?

5 A There are 13 candidates that are available and qualified
6 to be appointed at this time.

7 (Continued on next page.)

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

1 DIRECT EXAMINATION (Cont.'d)

2 BY MR. LEMONEDES:

3 Q So, what you're saying to me is that in addition to the
4 candidates that were hired off of 6506, during the July '08
5 academy class there are an additional how many candidates?

6 A Thirteen.

7 Q Thirteen candidates that are from the list that was 6506
8 promotional exam that would be qualified to come into the next
9 academy class?

10 A That's correct.

11 THE COURT: Let me interrupt for just a moment.

12 When was the last time that 6506 was administered?

13 THE WITNESS: When we used the list? I'm sorry, I'm
14 not understanding the question.

15 THE COURT: When did you last give the tests for the
16 EMTs who wanted to be fire fighters given at the time of 6019?
17 Have you given it since then?

18 THE WITNESS: No.

19 THE COURT: As you would for let's say returning
20 veterans?

21 THE WITNESS: That's correct.

22 THE COURT: Okay, thank you.

23 Q So, off of this list, from 6506, which is the same exam,
24 you have an additional 13 candidates that could be moved into
25 an academy when the next academy occurs?

1 A That's correct.

2 Q Are there additional candidates that are on the 6506
3 list --

4 A There are 48 --

5 Q -- that could be further processed?

6 A At this time there are 48 candidates on the list,
7 however, they're still eligible for consideration, but they've
8 either just discontinued their investigation or they might be
9 in -- they're not being considered at this time. Generally
10 they have to continue their investigation.

11 Q Well, right now there's no further processing going on
12 for --

13 A That's right. That's correct.

14 Q Okay. So there's other people on this list, 48, that
15 have different statuses?

16 A Correct.

17 Q But that's where they stand?

18 A Yes.

19 Q Okay.

20 To return to a question that had been posed by his
21 Honor just a moment or two ago about military exams, what is a
22 special military list?

23 A Special military list is comprised of candidates -- or
24 eligibles that have passed the Civil Service exam, 6019, for
25 example, but when their list number was reached they were in

1 the military at that time so they could not accept
2 appointment.

3 Q So, for example, if the candidate who was number four on
4 our eligible list of 6019, is actually on active military
5 service at the time of July '08, he would not have been able
6 to enter that class, or she?

7 A Would have not been able to enter that class, that's
8 correct.

9 Q So, what happened to that candidate?

10 A That candidate, when they return to service they return
11 to DCAS, Department of Citywide Administrative Services, and
12 they request to be placed on a special military list.

13 Q What does that do?

14 A DCAS returns the document and if they determine they're
15 eligible for placement on the list they're given a number,
16 placed on the list that must be used before we can use the
17 promo list or the open competitive list. So, they're given a
18 higher consideration.

19 THE COURT: So, you would process them first in line
20 before you processed anyone off 6019 or off the promo list?

21 THE WITNESS: That's correct, your Honor.

22 THE COURT: Go ahead.

23 Q The reason you do that is because had they not been
24 serving in some military, providing military service to our
25 country, they would have actually been in and been hired

1 during the July '08 academy class?

2 A That's correct.

3 THE COURT: But no, that's not what you said. They
4 would have been reached?

5 THE WITNESS: They would have been considered.

6 THE COURT: They wouldn't have been hired
7 necessarily.

8 MR. LEMONEDES: I apologize, you're absolutely
9 right. I don't mean to make the distinction.

10 THE COURT: I understand. I want to put a finer
11 point.

12 MR. LEMONEDES: I think you're right. I think it
13 is exactly correct.

14 THE WITNESS: That's correct.

15 Q They would have been processed early on?

16 A Yes.

17 Q Are there people that are still on this special military
18 list at this time?

19 A There are at this time eight candidates in special
20 military list.

21 Q Give me a minute.

22 I would ask you to look at Exhibit A6 and then A7,
23 and then, if you can, A8 and A9. Tell me when you've had an
24 opportunity to look at them all.

25 (Witness reviews documents.)

1 We'll start with A6.

2 A Okay.

3 (Counsel confer.)

4 THE COURT: I'm sorry. Could you speak into the
5 microphone. Can't hear you.

6 (Counsel confer.)

7 THE COURT: Is this a sidebar?

8 MR. LEVY: I'm just trying to find the document.

9 THE COURT: All right.

10 MR. LEMONEDES: May I proceed?

11 THE COURT: Please.

12 MR. LEMONEDES: Thank you, sir.

13 Q Can you take a look at Exhibit A6 and tell me what that
14 is?

15 A A6 represents -- it is a spreadsheet that represents the
16 various exams that should we have a class would comprise the
17 next class. It is a breakdown of the ethnicity of all of the
18 eligibles that would be qualified for this class and the
19 percentage of minority -- percentage that they represent from
20 the total figures.

21 Q So, what this actually represents is had a class gone in
22 on August 30, this is basically what it would have looked
23 like?

24 A That's correct.

25 Q From the various different lists?

1 A Correct.

2 Q So, the top one comes from the open competitive -- the
3 top column comes from the open competitive list 6019?

4 A Yes.

5 Q And the second column comes from the promotional list
6 6506?

7 A Yes.

8 Q And the third column, is that the special military list?

9 A Yes. There are two.

10 Q So, those are people that had been or would have -- their
11 processing numbers would have come up when academy classes for
12 2043 and 7029 were done; is that how that works?

13 A Yeah. The special military eligibles that are considered
14 here were people that would have come into the July class but
15 were not available, were in the military.

16 Q Okay. Now, that's people that had taken 2043 or 7029,
17 right?

18 A Those are older exams, yes.

19 Q What happens when someone is out in the military
20 providing service and you administer an exam, for example,
21 someone is in active military service while exam 6019 was
22 being administered, what happens then?

23 A Well, when they complete their service they can report to
24 DCAS again and DCAS would review their documents and provide
25 them with another exam.

1 Q And that's --

2 A Then, if they pass that exam, their list number would be
3 inserted into 6019.

4 Q So, in essence, if someone --

5 A I'm sorry. The list number would be inserted into the
6 current exam.

7 Q Just so that I understand, if someone is out on active
8 military duty when exam 6019 is being administered --

9 A Yes.

10 Q -- and given, that person comes back and says I wanted
11 to be able to take the exam, we give that person the exam,
12 6019, we score that exam and then we place that person
13 inserted into our list regarding 6019?

14 A That's correct.

15 Q So, that person isn't given a point number, like
16 candidate one, two, three, four, but is given a number that's
17 inserted somehow, right?

18 A That's correct. They're generally a point something
19 number.

20 Q So 65 point something?

21 A Yes.

22 THE COURT: That would take into account any
23 additional points that that individual would receive for
24 veteran status and the other considerations that the rules
25 permit?

1 THE WITNESS: Yes, your Honor.

2 THE COURT: Got it.

3 MR. LEMONEDES: Thank you.

4 Q Which would explain why if we look at our eligible list
5 we see numbers that have decimals on it?

6 A That's correct.

7 Q Now, please take a look at Exhibit A7.

8 THE COURT: Moving that into evidence, A6?

9 MR. LEMONEDES: Yes, I apologize.

10 THE COURT: Any objection to A6?

11 MS. BURRELL: No objection.

12 THE COURT: A6 received in evidence.

13 MR. LEMONEDES:

14 Q Please take a look at A7. Tell me what that is.

15 A This represents all of the candidates eligibles from
16 60192 that are in the military and now not eligible for
17 appointment.

18 THE COURT: The term NQ doesn't have anything to do
19 with your processing, it simply has to do with their status as
20 an active duty person in the military?

21 THE WITNESS: That's correct.

22 THE COURT: Okay.

23 MR. LEMONEDES: Again, I will move for its
24 admission, but ask that it remain confidential.

25 THE COURT: Any objection?

1 MS. BURRELL: No objection other than the one we
2 raised at the beginning which is we just received the list and
3 have not had a chance to verify accuracy. We would like an
4 opportunity to do that.

5 THE COURT: I understand. Subject to that
6 limitation, A7 is received in evidence and it will be
7 distributed only to the parties.

8 Q Can I ask you to look down Exhibit A7 under the column
9 that lists race, and can you explain to the Court why there
10 are candidates that do have race lists and others don't?

11 A Candidates with race listed appeared at sometime for
12 investigation.

13 Q From the processing phase, the rosters or the
14 spreadsheets that we have provided so far are all done from
15 the fire department regarding processing?

16 A That's correct.

17 Q Can you please take a look at Exhibit A8.

18 A Yes.

19 Q What is that?

20 A Represents the same thing. Those are also candidates
21 that are not -- were not eligible for appointment and that is
22 the word for military.

23 Q So, this is simply another military list?

24 A That's correct.

25 Q Or same kind of list?

1 A Same kind of list, yes.

2 Q And A9 --

3 THE COURT: I'm sorry. A8 is received in evidence?

4 MR. LEMONEDES: I will do it for A8 and A9.

5 THE COURT: Fine.

6 Q Tell me what A9 is?

7 A A9 represents the same thing, for exam 243 another
8 earlier exam.

9 Q A8 concerns exam?

10 THE COURT: 7029.

11 MR. LEMONEDES: Thank you.

12 So, now I move A8 and A9, again with the same
13 conditions that your Honor just listed.

14 MS. BURRELL: Same conditions. No other
15 objection.

16 THE COURT: All right. Exhibits A8 and A9 are
17 received in evidence conditionally and with the understanding
18 that they will not be published beyond the parties.

19 THE COURT: Go ahead.

20 MR. LEMONEDES: Now, I think basically the
21 information that you provided is responsive to the Court and
22 I'll leave it to your Honor if you have any other questions
23 about these. I am just attempting to get this information in
24 as quickly as possible.

25 My next concern --

1 THE COURT: Do you have A10 in?

2 MR. LEMONEDES: Not yet. Not yet.

3 THE COURT: You're getting there?

4 MR. LEMONEDES: I will.

5 THE COURT: Go ahead.

6 Q One of the things that the Court was concerned about was
7 expediting the processing of candidates. Can you explain is
8 there some real way to speed up the processing for candidates?

9 A No, there really isn't. Inherent in the processing
10 itself are time limitations. One of the things that we want
11 to remember is that fire fighters are peace officers,
12 therefore, they enforce the laws of the fire department. So,
13 we need to make sure that they have -- they meet the
14 requirements for peace officer, that they have integrity and
15 they meet certain age requirements.

16 In addition to that, along with the -- going along
17 with integrity is we would look at the candidate's character
18 and background. That requires that we send out letters to
19 educational institutions, employers, personal references to
20 verify the things the candidates have disclosed in their
21 candidate packages, also to determine if there are any
22 discrepancies.

23 If candidates state they have convictions or arrests
24 they're required to get dispositions. At times that may
25 require the candidate may have to go out of New York State,

1 sometimes to Florida, sometimes to California to get those
2 dispositions. Those are all things that are out of the
3 department's hands. Once we advise the candidate that they
4 must comply with getting these documents, the dispositions, we
5 cannot -- there's nothing else we can do. It is the
6 candidate's responsibility to get the dispositions.

7 With regards to reference checks from educational
8 institutions and from employers, we send out the letters to
9 the former employers and the educational institutions that the
10 candidates have provided and we require that they submit
11 information back to the department directly. That helps to
12 avoid fraudulence in a document.

13 So, we actually rely -- we're at the hands of the
14 employer or the educational institutions to get that
15 information back to us.

16 In addition to that, we have medical exams that must
17 be given, medical and psychological. The medical exam, once a
18 candidate takes a medical basically has a month to resolve any
19 issues that may be found by our medical officers that might
20 possibly disqualify them for consideration. So, we're
21 actually giving this candidate a benefit of a month to clear
22 up any issues.

23 Q Can you give us an example of what you mean by that?

24 A Let's say a candidate has a -- appears they have a heart
25 condition of some kind or there's a irregularity in their

1 heart, they would be given time to go to their own medical
2 doctor or their own specialist to come back and present
3 documentation to our medical officers that would say whether
4 they were qualified or not before they could proceed with this
5 -- with the duty of a fire fighter.

6 Also, what must be conducted and is done
7 simultaneously, actually -- sort of simultaneously is that
8 when the candidate comes in they're advised they have to take
9 the CPAT, candidate's physical ability test. What the -- that
10 process itself is about ten week -- eight to ten week testing
11 process. There are various intervals of things that must --
12 of things that must occur before the final exam is given.

13 What the fire department did in order to ensure the
14 success of candidates in passing the exam was create a
15 training program so when the candidates come in for intake
16 they're offered to go to a training program. That program I
17 believe is about 12 weeks long. That provides them with the
18 physical -- physical things they need to do in order to pass
19 the physical abilities test. It gives them strength training,
20 it also provides them with a three-month free membership to
21 the New York Sports Club so they can go and practice on their
22 own before they go to the physical CPAT exam.

23 Q Okay. It is a lot of information you've just given us.

24 I remembered during your prior testimony that you
25 mentioned a term called IBA? Does that sound familiar?

1 A That's correct. That's investigated before appointment.

2 Q What does that really mean?

3 A It is all the process I was just talking about. Sending
4 the letters out and finding out all about the candidate and
5 getting confirmation on the information that they've provided
6 prior to their being appointed to the title of fire fighter.

7 Q We'll go back.

8 So, the candidate comes in, you do the fingerprint
9 search, that's a certain period of time to do that?

10 A Uh-huh.

11 Q You need to get information from the employer and the
12 educational institutions?

13 A That's correct.

14 Q Okay. So, who sends the letter out to them, why not just
15 have the candidate do it sooner?

16 A Well, because we need to make sure it is going to the
17 source and there won't be any fraudulence in the return of
18 documents.

19 It is just as an example not too long ago --

20 Q Stay closer to the microphone.

21 A Not too long ago there were issues with educational
22 documents being fraudulent and thus receiving documents from
23 schools that weren't valid schools. So, we're required to
24 ensure the validity of the documents that we're receiving is
25 sent directly from the fire department to the employer and to

1 the educational institution and they should be returned
2 directly to the fire department.

3 Q Let me go back to the next step, the physical exam. You
4 said for the physical exam, I thought I understood you to say
5 that there were two different time frames being involved. You
6 said something about time frame at the academy. What did you
7 mean by that?

8 A The academy does the training. Fire department academy
9 provides training for any eligible fire -- fire fighter
10 candidates who wishes to avail themselves of the training.
11 They're given hands-on opportunities to work on any of the
12 equipment, similar equipment that they will be tested on when
13 they take their CPAT.

14 Q How long does that process take?

15 A About 12 weeks.

16 Q So, a candidate can come on in and take the 12-week
17 course before they take the physical?

18 A That's correct.

19 Q You mentioned the physical. Can I ask you now to turn to
20 Defendant's Exhibit A5. Can you tell me what that is?

21 A This is the candidate physical ability test book that's
22 given to the candidates for review prior to CPAT.

23 Q And is it a document that is maintained by the New York
24 City Fire Department?

25 A I believe the training facility has it.

1 Q Okay.

2 A Personnel resources.

3 Q That is the material that's actually given to each
4 candidate --

5 A Yes.

6 Q -- before they end up taking the physical?

7 A I believe the training department does that.

8 MR. LEMONEDES: I move for the admission of A5.

9 THE COURT: A5, yes.

10 MS. BURRELL: Your Honor, this is the exhibit we
11 object to. In fact, A5 is hearsay, contains both expert and
12 lay opinion regarding the validity of the CPAT and it is not
13 relevant to any issue the Court needs to decide at this
14 hearing today.

15 MR. LEVY: Same objection.

16 THE COURT: Same objection. Yes?

17 MR. LEMONEDES: I think it is specifically relevant
18 to what your Honor is asked to decide. Your Honor is asking
19 whether there is a way to compress the time frame. The
20 material that is in this material that is actually handed to
21 the candidates so they can end up passing the physical portion
22 of the -- in order to become processed is certainly material
23 that could be beneficial for your Honor, specifically the
24 information that's been provided and the information about the
25 physical itself.

1 THE COURT: Anything else?

2 MS. BURRELL: Yes. The document indicates that
3 before taking the CPAT the candidate have a mandatory eight
4 week orientation session. United States does not dispute
5 that. Ms. Queenan already testified about the time frame it
6 takes. There's no reason to admit a document that contains
7 irrelevant hearsay at this hearing. We're not disputing the
8 eight-week orientation session.

9 THE COURT: Anything else?

10 MR. LEMONEDES: No, sir.

11 THE COURT: All right. I'm sustaining the
12 objection. I have the witness' testimony about the time
13 frame, the program, the -- what's the health club you send
14 them to?

15 THE WITNESS: New York Sports Club.

16 THE COURT: The New York Sports Club. I understand
17 the point.

18 MR. LEMONEDES: Thank you.

19 THE COURT: And we have testimony from the witness
20 which is -- doesn't create a hearsay problem. This is not a
21 document prepared in the normal course of business by the fire
22 department. It is prepared by an outside organization about
23 which I know nothing.

24 Go ahead.

25 MR. LEMONEDES: Thank you.

1 Let me go back to -- I will find the ones I need.

2 THE COURT: Ten.

3 MR. LEMONEDES: Actually, I think that we are on A4
4 and A5 -- I mean A4 and A4A.

5 Q Taking a look at what is Exhibit A4, again without giving
6 us too much detail regarding any of the specifics on this, can
7 you tell me what Exhibit A4 is?

8 A A4 is a subset of the roster of 6019 of candidates that
9 are missing from numbers one through 2121 that were -- would
10 be interim numbers on Exhibit A3.

11 Q Who prepared Exhibit A4?

12 A That was prepared by the fire department.

13 Q So, let me just try and put this back in context. Can I
14 ask you to take a look at Exhibit A3.

15 A Yes.

16 Q And place it next to or near for yourself Exhibit A4.
17 I'm going to ask you to look down at the second column across
18 on Defendant's Exhibit A3, under the list number column. The
19 second row across.

20 You see between the first and second there is a gap
21 in list numbers?

22 A Yes.

23 Q Now I'm asking you to go to Exhibit A4 and the second
24 column being the first column is name, second column is
25 original list number and the third column is new list number.

1 So, looking at the candidates listed here, what is it that's
2 being reconciled and can you explain it a little further for
3 me?

4 A Well, if you look at the Exhibit A3, you'll see list
5 number one and then list number two is missing.

6 Q I'm asking you to not specifically give me too much
7 detail. I simply wanted to know there is a gap?

8 A There is a gap.

9 Q The gap is filled in on A4?

10 A That's correct.

11 Q And what A4 does is, if your Honor will permit, is it
12 fills in the gap, it explains what happened to the candidate
13 that moved from that position on one list and now has a new
14 list number; is that right?

15 A That's correct.

16 Q It gives you the reason why over --

17 A Correct. They lost a point and therefore their list
18 number changes.

19 THE COURT: So, if you have someone who claimed to
20 be a veteran and was originally at let's say 24 on the list --

21 THE WITNESS: Yes.

22 THE COURT: -- in rank order and you learned -- and
23 you didn't receive the necessary paperwork to prove that DD
24 what?

25 THE WITNESS: DD 214.

1 THE COURT: 214. I ran across mine recently.

2 THE WITNESS: Honorable I hope.

3 THE COURT: I wouldn't be here otherwise.

4 If you found that that person did not have the
5 veteran experience, then that person would then be reassigned
6 to a place on the list based upon the removal of the veteran
7 credit?

8 THE WITNESS: That's correct.

9 THE COURT: That's fine.

10 Q There is another wrinkle, if I might, your Honor. In
11 fact, selecting a veteran credit can be done by a candidate
12 even if he brings in the proper DD?

13 A 214.

14 THE COURT: 214.

15 Q Isn't it also true that candidate can say I don't want to
16 use my veteran credit this time, I'm going to use it at
17 another time?

18 A That's correct. Candidates can only use their veterans
19 credits once in their life.

20 Q So, in addition to not having the appropriate forms, it
21 could be the candidate's desire or selection to change it?

22 A That's correct.

23 THE COURT: Let me follow up on that.

24 Does that mean that veteran credit can be applied to
25 another Civil Service exam --

1 THE WITNESS: That's correct.

2 THE COURT: -- that the person has taken and would
3 prefer to work in some other agency of the City or State, that
4 that individual can say I prefer working here rather than
5 working there, therefore, I'm going to ask you to apply my
6 veterans credit to this other list?

7 THE WITNESS: That's correct. You can apply to
8 another exam, be it our agency or another one.

9 THE COURT: I see. Okay, thank you.

10 Q Now, I need for you to turn to Exhibit A4A and tell me
11 what that is?

12 A These are the lists of candidates, list numbers one
13 through 2121 who had a list number change.

14 MR. LEMONEDS: By the way, I move for A4, with all
15 the limitations your Honor noted before about confidentiality
16 and specifically preserving the government's position to
17 question later on it.

18 MS. BURRELL: I would also note we have not
19 received the underlying data that this document is based on so
20 we request that in order to be able to verify its accuracy.

21 THE COURT: All right. Please provide the
22 underlying data since you're providing the list. The
23 plaintiff has a right to examine the data in order to
24 determine whether the list is accurate, if you really need the
25 data. I'm not sure that apart from what the data demonstrates

1 generally the data itself is necessarily useful to the Court,
2 but if you want it, either the City should provide it or
3 discuss it with the Magistrate Judge.

4 MR. LEMONEDES: Thank you, your Honor.

5 THE COURT: Okay. I rather not go into late day
6 discovery. Although the City by providing this data is
7 opening up the question of its accuracy, and, so, you should
8 discuss that with the Magistrate.

9 MR. LEMONEDES: Simply again trying to provide your
10 Honor with the full information of what's going on so you have
11 it.

12 THE COURT: The real benefit is to explain to the
13 Court how the process works and I think that Commissioner
14 Queenan is providing that and this simply provides the context
15 for the Court.

16 MR. LEMONEDES: Thank you, your Honor. I think
17 that's exactly right.

18 THE COURT: The specifics of it are not really
19 relevant to the inquiry that I'm making in this discrete stage
20 of the litigation.

21 MR. LEMONEDES: I appreciate that.

22 THE COURT: Go ahead.

23 Q Looking at A4A --

24 A Yes.

25 Q -- tell me what that is?

1 A A4A is an update --

2 Q Again, without giving us too much detail.

3 A An update of A4. On A4 we have some information we
4 clarified with DCAS and we were able to get to finalize what
5 the actual status was of certain candidates.

6 Q So, A4 is based on the fire department's processing
7 information, A4A is based on that plus information received
8 from DCAS?

9 A That's correct.

10 THE COURT: How long does it take DCAS to provide
11 the information once you have a list, the original list?

12 THE WITNESS: I'm sorry. Do you mean the changing
13 their numbers?

14 THE COURT: Well --

15 THE WITNESS: Recalculating the numbers?

16 THE COURT: Determining whether they've lost
17 residency or gained residency or lost veteran status or gained
18 veteran status or lost legacy or gained legacy.

19 THE WITNESS: The fire department determines whether
20 or not they've submitted the appropriate documentation to
21 validate the points that the candidate is requesting. So,
22 that time frame again is dependent upon when the candidate
23 provides the valid documentation. Once that documentation is
24 provided we notify DCAS and say this point should be removed
25 or added or whatever. I really cannot -- I don't know the

1 exact time frame it takes for DCAS.

2 THE COURT: But their role is ministerial?

3 THE WITNESS: Uh-huh, yes.

4 THE COURT: Your role is proactive?

5 THE WITNESS: Yes.

6 Q In addition to that, specifically to follow up on what
7 your Honor is pointing out, are there instances in which
8 someone goes to DCAS and alters their status somehow without
9 going directly to the fire department and telling you?

10 A They may go to DCAS, yes.

11 Q So, in essence, the individual who came and reported to
12 you I want my veteran credit could end up going over to DCAS
13 and saying, Gee, I don't want it and that information has to
14 be reconciled?

15 A That's correct.

16 Q So, let's get to A10. Again, without giving me too much
17 detail on the information in it, tell me what it is.

18 A This is a roster of the candidates on the -- remaining
19 candidates on the promotional exam 6506.

20 Q So, this goes back to one of the earlier questions
21 regarding the promotional list from EMTs and this is the basic
22 status of those individuals is what you're saying to me?

23 A That's correct.

24 MR. LEMONEDES: I again move for its admission
25 subject to all of the same limitations and qualifications that

1 your Honor listed for the prior exhibits.

2 MS. BURRELL: Subject to our same objection, we
3 have no other objection.

4 THE COURT: All right. Subject to the limitations
5 already set forth for other exam lists with names A10 is
6 received in evidence.

7 While we're waiting for the next question, let me
8 ask a question. These different aspects of the process after
9 the person's name on the list is reached, they go -- they
10 operate in parallel, do they not? In other words, the
11 medical, preparing for the physical, the review of educational
12 background and the FBI records check, they're all happening at
13 generally the same time?

14 THE WITNESS: Yes, your Honor.

15 THE COURT: Which takes the longest?

16 THE WITNESS: The background investigations because
17 that's more or less out of our control.

18 THE COURT: Who does the background investigation?

19 THE WITNESS: It is Candidate Investigation
20 Division. It is involved with sending the letters out and
21 gathering information confirming the information the candidate
22 provided.

23 THE COURT: That is an office of the fire
24 department?

25 THE WITNESS: Yes.

1 THE COURT: Okay.

2 Q When you say "processing," you mean sending letters to
3 employers and the schools?

4 A And educational institutions, yes, and getting
5 dispositions from the candidate.

6 Q So, how long does it take to process a group of potential
7 candidates to reach a -- a subgroup of appropriately qualified
8 candidates for an academy class?

9 A Approximately six months.

10 Q So, if a whole new group was being presented to you
11 tomorrow, that would occur six months from now?

12 A That's correct.

13 Q In the group that's been processed, is there anything
14 that could cause people to be falling out of that group within
15 the next few months?

16 A A lot of things could happen within the next few months.

17 Q Such as?

18 A Most immediately is the expiration of medical exam. We
19 have -- basically the medical exams are good for a year and we
20 have candidates whose medical exams will be expiring the end
21 of August and again there will be more expiring in September
22 and so on. In addition to that, candidates -- the longer we
23 wait candidates could have derogatory information surface
24 during that period. They could be arrested. Anything could
25 happen. They can be kicked out of the military, gone back to

1 the military, been dishonorably discharged. A lot of factors
2 could happen.

3 THE COURT: And you said that the medical expires a
4 year from the time that it's given?

5 THE WITNESS: It's basically a year from the month
6 -- we give them a month. They take their exam and then we
7 give them a month and from the end of the month it is a year.

8 THE COURT: When did you start processing medicals
9 for this class that -- that the City proposed for August 30?

10 THE WITNESS: Once we completed our last class July
11 2008, we continued processing because we anticipated there
12 would be another class in between, I believe it was January.
13 Then, when we didn't have that class we still continued
14 processing for the next class. So, medicals, we have done
15 some updates in between that, but now a good portion of them
16 will be expiring.

17 THE COURT: I see. And when you say the class that
18 was planned but was not convened in January, you mean January
19 2009?

20 THE WITNESS: Yes.

21 THE COURT: Go ahead.

22 Q So, just to make that point clear, when do you stop
23 processing?

24 A Well, we're not processing now.

25 Q Other than this unusual circumstance, when do you

1 generally stop the processing off the list?

2 A We don't. We never stop processing a list. It
3 continues.

4 MR. LEMONEDDES: One moment.

5 THE COURT: Sure.

6 MR. LEMONEDDES: Just so our record is clear, your
7 Honor, I'm not confident I moved in A4A and I'm not sure the
8 record reflects that you actually took A4.

9 THE COURT: A4 and A4A were received with the
10 limitations that were set forth with the other personnel
11 lists.

12 MR. LEMONEDDES: Thank you, sir. No further
13 questions.

14 THE COURT: Ms. Seeley, any questions?

15 MS. SEELEY: Ms. Burrell.

16 THE COURT: I'm sorry.

17 CROSS-EXAMINATION

18 BY MS. BURRELL:

19 Q Good afternoon.

20 A Good afternoon.

21 Q If you could turn again to Exhibit A6. This document
22 shows that you proposed to hire 291 candidates for the next
23 academy class from the exam 6019 eligibility list; is that
24 right?

25 A That's a part of the class, yes.

1 Q So, 291 of the 312 would be pulled from the 6019
2 eligibility list?

3 A Yes.

4 Q So, with the exception of the mile and a half run, have
5 all of those 291 candidates been fully processed and found to
6 be qualified?

7 A Yes, they are ready to be made offers to.

8 Q And there are some other candidates on the exam 6019 list
9 who have been found to be qualified who aren't included in the
10 291; is that correct?

11 A If they were qualified and they would be part of -- if
12 they were qualified to go to the class they would be part of
13 the 291. The only reason they wouldn't be is if their list
14 number wasn't reached.

15 Q If you turn to Exhibit A3, which I believe you testified
16 is the list that shows the current processing status of
17 individuals on the 6019 eligibility list?

18 A Yes.

19 Q This list includes 300 people with the status of
20 qualified, doesn't it?

21 A I haven't done a count so I wouldn't know.

22 MR. LEMONEDS: Actually, I would like to ask for
23 clarification. Did you mean qualified or qualified appointed,
24 or there are several different qualifieds?

25 MS. BURRELL: I mean only qualified qualified with

1 no other words or caveats.

2 A I didn't count so I can't say there were 300.

3 Q Okay. And did you prepare the summary Exhibit A6?

4 A This was prepared by my department, yes.

5 Q And is the race identification information that is
6 indicated on the summary taken from the processing list,
7 Exhibit A3?

8 A It is actually -- what's here is taken from the
9 fingerprint page that was an earlier exhibit and it is entered
10 into a database and the information is pulled from that
11 database to get this document.

12 Q So, just to clarify, the information that's self reported
13 on the fingerprint page is entered into a database?

14 A That's correct.

15 Q The A6 summary is based on the race identification that
16 were entered into that database?

17 A Yes.

18 Q Have you ever attempted to reconcile the race
19 identification on the fire department's processing list with
20 the race identifications that -- on the eligibility list
21 maintained by DCAS?

22 A You can try and there will be differences no matter what
23 you do, okay? There will be similarities and there will be
24 differences. Candidates apply -- when candidates take the
25 exam, they indicate their ethnicity on the application, on the

1 exam that they prepare. When they come to the fire department
2 they self disclose on A2. There are times when the candidate
3 changes what they wish to put down. So, yes, you will see
4 discrepancies on them.

5 Q And just to be clear, the processing list and the summary
6 A6 is based on the fire department's information?

7 A Based on self disclosed information from the candidates,
8 yes.

9 Q Okay. Looking again at Exhibit A3, you testified that
10 for some candidates race identifications are missing because
11 the candidate failed to report for investigation and therefore
12 did not fill out the fingerprint form; is that correct?

13 A Correct.

14 Q But there are candidates on this list who have no race
15 identification with the status other than failed to report,
16 correct?

17 A Can you identify one of them for me?

18 Q You could look at list number 238.

19 A That candidate failed the CPAT, one of -- couple of
20 things could have happened. Either the candidate chose not to
21 disclose because they don't have to disclose -- that is an
22 option I didn't mention before -- or they were given the CPAT
23 by DCAS before they came in for investigation which is also
24 possible.

25 Q So, I guess is it accurate if a candidate does not have a

1 race identification and has a status other than failed to
2 report for investigation the candidate did not self identify
3 on the fingerprint --

4 A More than likely, yes.

5 Q On Exhibit A3 there are many applicants whose status is
6 listed as pending. That means they have been assigned a CID
7 investigator, correct?

8 A Yes.

9 Q And that happens after what we've talked about is the
10 intake session, correct?

11 A Correct.

12 Q So, a candidate whose process is status pending has
13 already filled out the documents in the application package
14 and brought their documents in and had their fingerprints
15 taken, correct?

16 A Correct.

17 Q And they haven't been disqualified by anybody?

18 A No.

19 Q And the processing from assignment to investigator to
20 completing processing you've testified can take up to six
21 months, correct?

22 A I'm not sure I understand your question.

23 Q I'm sorry.

24 The processing from the time a candidate is assigned
25 to an investigator --

1 A Okay.

2 Q -- to completing the processing being found fully
3 qualified can take up to six months; is that correct?

4 A That's correct.

5 Q Do you know how many candidates who are listed as pending
6 on Exhibit A3 have taken the CPAT?

7 A No.

8 Q Do you know when the CPAT was last given?

9 A I believe the last CPAT was given in November of '09.

10 THE COURT: You have to give it again if a certain
11 period of time goes by?

12 THE WITNESS: No. It is given once. Candidate's
13 CPAT is good for the life of the exam, of the time it is
14 given. Once it is given it is good forever.

15 Q How does DCAS give a candidate CPAT before they report
16 for investigation?

17 A It is determined that we're going to have a class and
18 CPAT will work to determine -- with us to determine what the
19 scheduling should be because we want to provide the training,
20 also. So, DCAS may call in candidates and have them schedule
21 for a CPAT exam.

22 Q So, candidates may be scheduled by DCAS for the CPAT
23 before you request that they report for investigation?

24 A Right. Generally that doesn't happen. Where it might
25 have happened is the very first class because with the very

1 first class everything was done simultaneously.

2 THE COURT: Let me just ask a question. Prior to
3 6019, the physical fitness portion of the process was a test
4 where you got a score?

5 THE WITNESS: That's correct. It was actually part
6 of the exam.

7 THE COURT: Right. And by virtue of that you knew
8 that certain people couldn't pass the test at all, the
9 physical fitness part, so they wouldn't go any further?

10 THE WITNESS: That's correct and they receive no
11 benefit of training either.

12 THE COURT: Right. And, so, but now you have a
13 situation where if you pass the CPAT, then it's simply a pass,
14 fail test and you can go forward with your processing?

15 THE WITNESS: That's correct.

16 THE COURT: So, the benefit to the employer, if you
17 will, is that if you give the CPAT at the front of the process
18 and you then know there are certain candidates who aren't
19 going to qualify, so it is not necessary to expend the time
20 and energy, money, effort to process them and then find out
21 that they can't pass the physical fitness test?

22 THE WITNESS: That's correct. But again it also --
23 it is a benefit that it provides the employer the opportunity
24 to train those candidates to be successful in taking that CPAT
25 to successfully pass the CPAT.

1 THE COURT: Right, but you give them three months to
2 get in shape?

3 THE WITNESS: The membership, yes, about three
4 months.

5 THE COURT: So --

6 THE WITNESS: But with our training.

7 THE COURT: But if a candidate says I'm not -- they
8 call him or her in for the CPAT and he or she says I'm not
9 ready for it, I want to do three months of physical fitness
10 training and conditioning --

11 THE WITNESS: Uh-huh.

12 THE COURT: -- would you then or DCAS then say we'll
13 call you in three months or do you have to go take the test
14 right away?

15 THE WITNESS: It is the candidate's option to take
16 the test. If they want to be considered for the next class
17 they have to have taken the CPAT. By them not taking the CPAT
18 they are postponing their ability to come into the class.

19 THE COURT: I see. Thank you.

20 Q I believe you testified that the CPAT was last given
21 November 2009?

22 A Yes, I believe so.

23 Q Have any candidates with list numbers below 2121 been
24 given the CPAT?

25 A Yes.

1 Q Do you know how many?

2 A Offhand I don't have a total number but definitely in the
3 last two -- the first class we put in and the class we're
4 considering to put in now.

5 Q I'm sorry. Candidates below -- with list numbers lower
6 than 2121 have been administered --

7 THE COURT: You mean numbers are higher but their
8 rank is lower.

9 MS. BURRELL: Yes.

10 A 2122, those people?

11 Q That's what I mean. Thank you.

12 A No. I don't believe so.

13 Q Have any candidates in that group attended orientations
14 for the CPAT?

15 A Not that I recall, but I'm really not positive.

16 THE COURT: What would happen if you have an
17 individual whose background check is not completed but who is
18 in that group of 300 that you would appoint to the academy and
19 the background check may not be completed for another three,
20 four months; you don't hold up the whole class for that
21 individual, do you?

22 THE WITNESS: No, your Honor.

23 THE COURT: Then you would go to someone who has a
24 rank that is lower on the list and fill the class with this
25 person if he or she is fully qualified?

1 THE WITNESS: Right. As I said in my earlier
2 testimony from the last time is that we process a large number
3 of people so that we know basically how far we can go down the
4 list so that we're capable of filling a class at any
5 particular time.

6 THE COURT: If that individual is passed let's say
7 because he or she has not completed the process, when you have
8 the next class is that person put at the top of the list.

9 THE COURT: Yes, that person would be considered for
10 the next class.

11 THE COURT: Go ahead.

12 Q Following up, at the time that the fire department hires
13 for a class, you hire in order from among the candidates who
14 have completed the process and found to be qualified, correct?

15 A Yes. Within list order number.

16 Q Since your testimony in July have you looked at exactly
17 what still needs to be done in order to complete the
18 processing for candidates whose status is listed as pending on
19 Exhibit A3?

20 A No, because we haven't been using the list. We were told
21 to hold off.

22 Q But have you inquired as to where in the process the
23 candidates with a pending status are regardless of whether the
24 process is continuing?

25 A Not personally, no.

1 Q Has anyone?

2 A My staff just does the intake. I mean, I don't think
3 anyone I know of has asked that.

4 Q Do you know what still needs to be done to complete
5 processing of Afro-American and Hispanic candidates on the
6 list who's status is listed as pending?

7 A No.

8 Q And you testified that by the end of August and the end
9 of September that the medical approval of some candidates will
10 expire, correct?

11 A Correct.

12 Q We can tell from looking at Exhibit A3 which candidate's
13 medical approvals are about to expire, correct?

14 A Correct.

15 Q How long is the fire academy class that was supposed to
16 begin on August 30, how many weeks?

17 A 23.

18 Q Do recruits in academy work seven days a week during that
19 23-week period?

20 A I'm not sure of their schedule. I'm really not.

21 Q And according to Exhibit A6, the anticipated size of the
22 August 30 class is 312, correct?

23 A Correct.

24 Q The fire department at times has had classes larger than
25 312, hasn't it?

1 A Not since I have been there.

2 Q Which is?

3 A I started in I believe it was October of 2004.

4 Q Has the fire department run more than one academy class
5 at a time?

6 A No.

7 Q Turning back for a moment to Exhibit, I believe A3 for
8 candidates who were deemed not qualified for failure to report
9 for investigation, has the fire department notified those
10 candidates that they have been disqualified from
11 consideration?

12 A Yes.

13 Q When did it do that?

14 A We send out letters for the candidates telling them they
15 have been disqualified. I don't know, I'm not sure when it is
16 processed. It is ongoing when we disqualify candidates.

17 Q Have candidates who were under consideration for the
18 August --

19 A I'm sorry, we send out a proposed notice. If they don't
20 respond within ten days we send out another notice saying it
21 is a final notice. They get an advance of what we are
22 intending.

23 Q So, candidates under consideration for the proposed
24 August 30 class but were found not qualified because they
25 failed to report for investigation, those candidates have been

1 notified that they are not qualified?

2 A I believe so, yes.

3 Q What about candidates who were found not qualified for
4 other reasons, have they been notified?

5 A Candidates found not qualified for medical or
6 psychological, they're offered -- they can appeal that
7 disqualification, so, yes, they're given notification and they
8 can appeal to the Civil Service Commission.

9 MS. BURRELL: I have nothing further right now,
10 your Honor.

11 THE COURT: Mr. Levy, anything from you?

12 MR. LEVY: Yes.

13 THE COURT: Please.

14 CROSS-EXAMINATION

15 BY MR. LEVY:

16 Q Do you keep track at all of the frequency with which
17 letters that you send to applicants or candidates come back
18 undelivered?

19 A We keep what comes back undelivered, but we also started
20 a process by which any candidates that failed to report or we
21 continually get mail back, we send that list down to our
22 Recruitment Division and our Recruitment Division attempts to
23 reach the candidates either via phone or mail.

24 Q Phone or mail?

25 A Right.

1 Q Do you know if they do anything else?

2 A I couldn't tell you if they do anything else. I know
3 that's the process they do. Basically, candidates are
4 required, they sign a document stating they must update the
5 fire department if there's any changes of their address or
6 status or phone at any time during their investigation. We
7 took that a step further because we understand that certain
8 candidates for whatever reason they may not follow through, so
9 the fire department attempted through the Recruitment
10 Department to add another step to reach out to those
11 candidates.

12 Q What about candidates who have not begun the
13 investigation and they took the exam three years ago and may
14 have moved?

15 A We would only reach out to the candidates that were in
16 processing at that time because if you continue to go beyond
17 the candidates that we're processing they could have another
18 change of address before we call them in for processing.

19 Q I understand that, but I'm just saying that when you
20 begin the processing, among this group of people that you're
21 looking at now, some of those people you may have called in in
22 the last six months or so?

23 A Uh-huh.

24 Q May have taken the exam three-and-a-half years ago or did
25 and they may have moved, and I'm wondering if there are any

Queenan-cross/Levy

129

1 other things you do. For example, do you look for Social
2 Security numbers and see if there are new addresses listed or
3 things of that nature at all?

4 A No.

5 Q The CPAT exam itself, how long does it take to do the
6 exam, in other words, if I went to go through that physical
7 examination how long would it take?

8 A I'm sorry, I don't have that information.

9 THE COURT: For you or for someone else?

10 MR. LEVY: Let's assume someone else.

11 Q I mean is it a ten, 15 minute kind of thing, or do you
12 know?

13 A I don't know.

14 Q I want to go back to?

15 THE COURT: I'm sorry. Who administers the exam?

16 THE WITNESS: It is given by DCAS.

17 Q Going back to this issue of the years that have passed,
18 the exam was given in January of '07, we're now approaching
19 January 11, I want to explore a certain area with you and it
20 has to do I will say in advance with the availability of EMT
21 as possible fire fighters.

22 First of all, let me begin by asking do you know how
23 many employees there are of the emergency medical division of
24 the fire department roughly?

25 A Roughly 3,000.

Queenan-cross/Levy

130

1 Q 3,000.

2 And, so, they've had no opportunity to take an exam
3 since the last 605 -- 056 or 50 -- 6506 was given concurrently
4 with 6019, right?

5 A That's correct.

6 Q These folks are in your employ, I gather they're
7 reachable, you know their addresses, so on, so forth; is that
8 right?

9 A Yes.

10 Q If you chose to, you could notify them through
11 employment, not with you reaching out in the field to people's
12 homes necessarily, but through employment or through their
13 addresses you have of a new exam if you chose to give another
14 exam let's say in a month? You could do that, you could reach
15 them, they're working people?

16 A That's correct.

17 Q Now, if you gave 6506 again, just hypothetically, a month
18 from now, do you have any way of knowing what proportion or
19 what number of EMTs might apply for that?

20 A No, I don't. Also, if they were to be given that exam,
21 they would have to be appointed from the list. They would
22 have to go through the investigation process, be appointed
23 through the list.

24 Q I know that. That's not my question.

25 A But part of that question is --

1 THE COURT: Don't interrupt. Please finish.

2 A That they cannot be appointed to fire fighter
3 until they've served a year permanently in the title of
4 EMT.

5 Q Let me just refine the question.

6 Putting aside the next steps, do you know how many
7 of the 3,000 or so EMTs has been in service for a year or
8 more.

9 A Not offhand, no.

10 Q Would you say it's a large majority of them?

11 A Sure. That's 3,000 comprised of all different levels,
12 not just EMTs.

13 Q Do you know roughly the racial composition of the EMT
14 group?

15 A It is -- I don't -- I cannot quote figures to you, but
16 extremely diverse work force.

17 Q Would you say it's perhaps 50-50 minority, white?

18 THE COURT: We don't want guesswork. If you want
19 information, you can ask the City for it, but I don't think --
20 the witness doesn't have it in front of her, she doesn't
21 remember it offhand. I rather not put something on the record
22 that's --

23 MR. LEVY: That's fine, your Honor.

24 THE COURT: -- that's just conjecture or an estimate
25 or an educated guess or whatever you want to call it.

1 Q Do you know offhand what proportion of EMTs usually do
2 apply for the fire exam when it is offered?

3 A No.

4 (Continued on the following page.)
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

1 CROSS-EXAMINATION (CONT'D.)

2 BY MR. LEVY

3 Q Now, there was a figure you gave before which I'm just
4 not clear about; did you say that there were 48 candidates
5 currently eligible on the 6506 list?

6 A On the 6506 list there are 61 eligible, 13 are qualified
7 to go into the class, there are a remaining 48 candidates that
8 could at some point if they reactivated their investigation or
9 they came back from the military or any one of those things
10 could be considered for promotion to firefighter.

11 Q Let's talk about this processing. If someone let's say
12 passed an exam, 6506 exam let's say a month from now or two
13 months from now and you were dealing with a much smaller
14 group, let's say we were dealing with 200 people instead of a
15 list of 20,000 or 2,000 that you might look at at a time, I
16 want to ask you ways in which we might expedite the process
17 based on your experience.

18 Some things I understand you've said are somewhat
19 fixed but how many people right now are involved in the
20 investigation process, in gathering the documents and
21 following up, how many people are on that staff?

22 A Approximately 12 -- 6 to 12 investigators are working on
23 two different sides. I have investigators that basically do
24 EMS and fire investigations and so right now since we're not
25 fully investigating firefighters are working more on EMS but,

1 regardless, it's really, as I said before, it's really not the
2 number of people that you have doing the investigation that is
3 going to change -- expedite the process because so much of
4 that process is in the time limitations, it's barred, are not
5 the creation of the Fire Department, it's at the hands of the
6 candidates and the references that they provide.

7 Q Well, I mean I understand that you calculate that this is
8 a six-month process but I'm trying to understand why you
9 believe if someone were called in and told, look, we're doing
10 something in an expedited way, I'd like you to get employer
11 information to us immediately and here's a form letter to send
12 out and here's a letter to send out to your school, let's fill
13 it out right here, let's get it out; why couldn't in many
14 cases that kind of information be returned in a matter of a
15 week?

16 A It's unrealistic. It's the same thing as if when people
17 are going for their mortgage and they need information from
18 their employer for their bank, the individual applying for
19 that mortgage has to sit on their employer to go -- to get
20 that information to the bank. It's the same kind of process
21 here. We are not the only person, the only agency that is
22 asking an employer or an educational institution to verify
23 information. Every city agency is doing that, they're doing
24 it for a police officer, they're doing it for all of these
25 other titles; not only city employees, they worked in other

1 companies, private companies are asking for that information.
2 So, it's unrealistic to think that just because we, the Fire
3 Department are sending a letter that we can expect a
4 reasonable amount of return time.

5 Q Well --

6 THE COURT: Can I -- let me just cut to the chase
7 here. If there is a special circumstance such as the one we
8 may have in this case at this moment, I think the real
9 question is how quickly can this process be expedited; just as
10 there have been situations in the past where the process must
11 have been expedited after 9/11, although we haven't gone into
12 that for the hiring of 1,200 firefighters in the course of
13 like 14 months I think was the testimony; if I'm right, and
14 you can correct me if I'm wrong, there must be a way of
15 expediting the process if there's what you might call exigent
16 circumstance or an emergency or some other special
17 circumstance that necessitates making extraordinary efforts, I
18 think that's what it comes down to on the part of Mr. Levy.

19 MR. LEVY: It does and I'd like to ask some specific
20 questions about that, Your Honor.

21 THE COURT: I think I asked the question actually.

22 MR. LEVY: Okay then.

23 THE COURT: You don't get to reask my question,
24 Mr. Levy.

25 MR. LEVY: You go first. I'm not quibbling.

1 THE WITNESS: I wasn't here -- I wasn't working for
2 the Fire Department at 9/11 and I understand that there are
3 certain legalities that come into play when you're going to
4 hire classes or you're going to avoid doing certain processes
5 so I really can't speak to what we are able to do and cannot
6 do.

7 I do know that in terms of there are certain
8 requirements that must be met in order for the candidates to
9 meet peace officer status, so there are certain basic things
10 that we must look into. And so -- and, again, I just really
11 would like to emphasize that although we're shortening the
12 process, we really are putting the city at a liability by not
13 doing appropriate background checks on candidates.

14 THE COURT: You are doing that?

15 THE WITNESS: We do background checks on candidates.

16 THE COURT: But you're saying that you --

17 THE WITNESS: Because if we don't, if we hire
18 firefighters and we don't -- we haven't looked into their
19 character or background and we say simply that we want to hire
20 this candidate because we have to move the list along, again,
21 firefighters are held to a very high standard within the city
22 in the eye of the public so they are going to be given certain
23 access let's say to abodes or places just by the mere fact
24 that they appear to be a firefighter. So, I think it is
25 incumbent upon the department to ensure for the city that the

1 candidates that we put into the title of firefighter meet the
2 requirements --

3 THE COURT: Well --

4 THE WITNESS: -- of peace officer and all the other
5 things that are required.

6 THE COURT: I understand. The question wasn't
7 whether you would forego these steps but whether you could
8 expedite the steps, just as in emergencies certain steps get
9 expedited at all levels of government and private enterprise
10 if there is a special need and I think the question is you say
11 that you have 6 to 12 people doing a portion of the background
12 check but there are other agencies which also have experts
13 doing background checks, DCAS has them, other agencies, the
14 Police Department and isn't it possible that if there were
15 special need in the Fire Department, you could take some of
16 those people from those other agencies on a one-time basis and
17 plug them in and have them help you expedite the process
18 whereby if you had an employer who hasn't answered a request
19 in ten days, you call him up and you say where's the answer,
20 we have a special circumstance here and chances are the
21 employer may be cooperative in many cases because you've
22 explained why it is you need an expedited situation.

23 I'm not asking you about what is commonplace, I'm
24 asking you about what can you do if have you a special need
25 and I think that you're going to have to, my sense, is examine

Queenan - cross - Levy

138

1 with the rest of -- how many thousands of people are employed
2 by the City of New York, 100 and how many thousand?

3 MR. LEVY: 281,000 Your Honor.

4 THE COURT: Thank you. That there might be a few
5 additional people who do the kind of work that you do who
6 could be brought in to assist you if there were special need
7 to expedite a class for the fire academy using some system or
8 some approach other than the rank order test of 6019; isn't it
9 possible?

10 THE WITNESS: I really can't say what other agencies
11 would give to us. All agencies are right now operating with
12 minimal staffing so I'm not sure and the Police Department has
13 classes going in so I really can't say. I can say that there
14 possibly could be something that could be shortened but we
15 have to remember, I have to take into consideration what
16 effect that also has or we need to take into consideration
17 what effect that has on the candidate, is it going to
18 negatively impact the candidate's opportunity for appointment
19 or is it going to -- such as CPAT, training of CPAT, you know,
20 if you don't have a training class then those candidates
21 aren't given the same opportunity that other candidates were
22 given.

23 If you cut back the medical, then candidates aren't
24 given the same advantage as other candidates were given in
25 having the opportunity to provide evidence that they could

1 go -- they could qualify medically for a class. So, though
2 there may be places where we may possibly be able to cut a
3 corner here and there, really there are a lot of things that
4 need to be taken into consideration in order for me to provide
5 a good response.

6 MR. LEVY: I think there are a couple of specifics
7 that I would like to address.

8 THE COURT: How much more do you have for the
9 witness?

10 MR. LEVY: Just a few minutes.

11 THE COURT: Okay. Please go ahead.

12 BY MR LEVY:

13 Q As things stand now, I see that there are three areas
14 particularly that you look at where you're relying on others
15 and that's the employers whose information you need, the
16 schools whose information you need and there may be a criminal
17 background check that has to be done.

18 On the employers and the schools, just to start
19 there, does anybody call the day that the person is called in
20 for the investigation -- you get a list of schools -- or the
21 next day or three days later and say -- and call up the
22 personnel department of an employer or the student, I don't
23 know what -- the bursar's department or whatever it is at a
24 college and say, look, you're going to get or you're getting
25 today or getting tomorrow a request for information from the

Queenan - cross - Levy

140

1 Fire Department in New York, could you please get that back to
2 us in a week; could you do that, is it doable?

3 A It's a lot of -- it's doable but I don't think that it's
4 going to really get the results that you're looking for.

5 Q Well, you're saying that, I don't want to argue with you
6 but I get references all the time Ms. Queenan --

7 MR. LEMONEDS: Objection, Your Honor.

8 THE COURT: Sustained. You're not testifying.

9 MR. LEVY: You're right, I know, but I don't
10 understand why, you know --

11 THE COURT: Well, a --

12 Q Do you make calls now, do you make any calls now to
13 employers?

14 A If we need clarification we might call a employer.

15 Q How about just to get the return back, get the
16 information back?

17 A If I have to tell that employer that they have to send --
18 I could, yes.

19 Q I didn't ask if you could, I'm asking do they do that?

20 A Do they do that now, no.

21 Q So, one of the things you could do to expedite this
22 process and it wouldn't work for everybody perhaps but you
23 could make phone calls immediately after you send out the
24 inquiries to ask people to please get them back promptly,
25 that's right, isn't it?

Queenan - cross - Levy

141

1 A If I could have extra -- yes, I could do it with extra
2 staff.

3 THE COURT: Can I just interpose this. Commissioner
4 Queenan has been on the stand twice now. I am sure, I am
5 certain that if there were a specific need to expedite the
6 process, that based on what I've seen in her testimony, her
7 professionalism, her attention to detail, her experience, that
8 she would, and correct me if I'm wrong, if required to bring
9 together the resources needed to maximize the speed with which
10 the processing of qualifying candidates could be accomplished,
11 I'm sure she can do it. She's not going to get that from --
12 she may not get that from certain quarters but she might have
13 incentive from the Court at some point.

14 So, I don't think it is a question of whether she's
15 capable of doing it. If she had to do it, she would do it
16 because she's a professional. And so, the details, frankly,
17 Mr. Levy, I'm not that concerned about because I'm sure that
18 there are ways of expediting the process. If you want to make
19 a full record on it, I don't know that it's necessary, I'll
20 let you do it but I think we have a pretty good idea where
21 things stand.

22 MR. LEVY: Just one or two more questions for that
23 record.

24 THE COURT: Go ahead.

25 Q One of them is the medical and psychological part, that's

1 not done by anybody on the outside, right, those are your own
2 people who do those exams?

3 A Yes.

4 Q They're on staff of the city?

5 A That's correct.

6 Q Is there a specific medical staff for the Fire
7 Department?

8 A Yes, there is.

9 Q The other departments of the city also have medical
10 staffs that do this kind of things, as far as you know?

11 A No.

12 Q Only the Fire Department?

13 A Fire Department and possibly Police.

14 Q The Police Department, okay.

15 The criminal background information, do you use the
16 FBI or other sources to check on --

17 A We're using the FBI fingerprints source and then what we
18 do is we ask the candidates to get -- to provide us with a
19 write-up of the account of what happened, what occurred, what
20 the indiscretion was and they also must go provide from the
21 locality from which the arrest or conviction occurred a copy
22 of the disposition, so that could be anywhere in the United
23 States.

24 Q Is there any way that the Fire Department could solicit
25 that information from the law enforcement agency involved

1 rather than have an individual who was processed there have to
2 try to get it?

3 A First of all, the employee would probably have to agree
4 to us doing that. I'm not sure of the mechanism but that
5 would require that we reach out to locales all over the
6 country so it could be a little -- again, I would need the
7 staffing, whatever, to do it. If I had to do it, we could
8 work something out. I don't know the legalities.

9 Q You have a high proportion of applicants who have
10 criminal records?

11 A Yes.

12 Q You do?

13 A Yes.

14 Q And the CPAT training period, that is how long?

15 A The CPAT training period I believe is 12 weeks.

16 Q Has it ever been shorter than that? Do you know if it
17 could be shorter?

18 A It could be shortened.

19 MR. LEVY: Okay. I have no further questions.

20 THE COURT: All right. Just a couple of questions
21 from the Court.

22 Do you have a sense of what percentage of the
23 candidates who are actually processed are found not qualified
24 due to employment discrepancies, they claim to have been
25 employed in a place they weren't or they were fired or somehow

1 disciplined in such a way that they wouldn't qualify under
2 your standards?

3 THE WITNESS: Generally when we -- I have no
4 statistical analysis or basis to provide that and when we
5 disqualify candidates it is basically determined on their
6 whole history, it's not just that one kind of thing unless it
7 is a felony.

8 THE COURT: Okay.

9 MR. LEVY: Can I ask one more -- I'm sorry I thought
10 you --

11 THE COURT: And with regard to their school record,
12 there are certain standards that you must impose before you
13 will appoint someone, and what is the current standard for
14 education?

15 THE WITNESS: 15 college credits or six months of
16 full-time employment and -- I'm sorry, I just went blank on
17 the last one.

18 THE COURT: Past high school diploma.

19 THE WITNESS: High school, yeah.

20 THE COURT: That's a pretty straightforward test,
21 you don't have to look at the whole picture in order to know
22 whether or not someone has reached those levels, you'll know
23 it after you look at their diploma and you look at their
24 college transcript or you'll look at their employment
25 background.

1 THE WITNESS: Earlier years I would say yes but
2 there are a lot of institutions that are bogus and not true
3 institutions any longer so -- we have internet educational
4 programs, so we must verify that the institutions that they
5 are providing us with are actually valid and have been
6 accredited.

7 THE COURT: I bet you've developed a list.

8 THE WITNESS: Yeah, we have some that are no good,
9 yes.

10 THE COURT: Another question?

11 MR. LEVY: I had a question I forgot to ask.

12 THE COURT: Go ahead, from your place.

13 BY MR. LEVY:

14 Q Okay. I earlier posited this possibility of giving
15 another test to the EMT folks. Those folks obviously are
16 already in your employ, they've been through checks before,
17 they were employed as EMTs, right?

18 A Well, as an EMT they're -- we don't require investigation
19 before appointment and we don't look at arrest and -- we can
20 only look at conviction so there are still additional things
21 that we -- examinations that we need to go through.

22 Q But presumably when you hire them as EMTs do you ask them
23 about, for example, their education background?

24 A Yes, that's correct. There are certain things that we
25 ask them but there are also things that occur during their

1 employment as an EMT so they could have been arrested, they
2 could have had certain indiscretions as an EMT so we still
3 must review their background, there are standards they still
4 must meet.

5 Q Right, I understand that but their prior employment
6 you've ascertained because you get that before they're hired?

7 A Yes.

8 Q Education you have, you know that they've been working
9 for you for six months so they don't have to prove any college
10 requirement because it's an either/or, right, it is either 15
11 credits or six months employment?

12 A That's correct.

13 Q They need to be with you a year to even qualify for this
14 exam. So, as to that group, you would certainly have a jump
15 on the ability to check them out for possible employment in
16 the department, right?

17 A Yes, but they would still need to have been, in order to
18 be appointed they would still have had to had this promo exam,
19 serve in the title for a year before they could be appointed
20 as a firefighter, a permanent employee for a year.

21 Q They don't have to serve for a year after they take the
22 exam?

23 A Yes, as a permanent -- they have to be picked up off the
24 civil service list, appointed permanently and serve in the
25 title for a year before they can be appointed as a

1 firefighter. Some of their provisional time will count. Now
2 they're basically provisional -- a lot of them are
3 provisional, so their provisional time, some of that will
4 count towards their permanent service but, in essence, they
5 have to have been in the title permanently for a year meaning
6 they served permanently before they can be promoted to
7 firefighter.

8 Q But the year can take place and must take place before
9 they take the exam, right?

10 A No, they can take the exam without -- they just can't be
11 appointed.

12 Q I see.

13 A They can't be promoted to firefighter but they can take
14 the exam.

15 Q But if they were there for a year before they took the
16 exam they will --

17 A If they were permanently in the title for a year, yes.

18 MR. LEVY: Okay.

19 THE COURT: Anything else, Mr. Lemonedes?

20 MR. LEMONEDES: Very quick.

21 THE COURT: Go ahead.

22 REDIRECT EXAMINATION

23 BY MR. LEMONEDES:

24 Q Mr. Levy has been positing several questions to you about
25 giving a new promotional exam to EMTs. What exam would you

1 give them?

2 A DCAS would have to design a new exam.

3 Q You mean you wouldn't just give them 6019?

4 A I can't give them 6019, it is invalid.

5 Q I think His Honor would not allow that. Okay. That's the
6 point at issue.

7 THE COURT: I understand.

8 MR. LEMONEDDES: Okay.

9 THE COURT: Thank you.

10 MR. LEMONEDDES: I think that's it, I've got no other
11 questions.

12 THE COURT: Anything else from
13 plaintiff-intervenors?

14 (No response.)

15 THE COURT: Commissioner, thank you for coming in.

16 THE WITNESS: Thank you, Your Honor.

17 THE COURT: You are excused. You may stand down.

18 THE WITNESS: Thank you.

19 MR. LEVY: Can I just respond to a point?

20 THE COURT: Let's let the Commissioner go back to
21 her office.

22 (Witness leaves the courtroom.)

23 THE COURT: Mr. Levy.

24 MR. LEVY: The point, and we've made it before, is
25 that we have no objection to them giving 6506 again as long as

1 it's used in a way that doesn't have an adverse impact. We've
2 said over and over again it is not our position here how the
3 city should test if it's not doing something that has an
4 adverse impact on the blacks and Latinos and they could do
5 that.

6 THE COURT: Okay. Anything else for this morning?

7 MR. LEMONEDDES: No, as long as I can have some time
8 to --

9 THE COURT: We're going to resume at 3:30. Do you
10 know who your witness is going to be?

11 MR. LEMONEDDES: I don't yet. I just don't know yet.

12 THE COURT: Well, certainly you can't prepare a
13 witness if you don't know who it is going to be.

14 MR. LEMONEDDES: That's why I need to get out of here
15 so I can find out.

16 THE COURT: All right. We'll see you at 3:30.
17 Thank you, everyone.

18 MR. LEMONEDDES: May I ask for 3:45?

19 THE COURT: 3:45 it is.

20 MR. LEMONEDDES: Thanks.

21 (Time noted: 1:55 p.m.)

22 (Recess taken.)

23 (Continued on next page.)
24
25

Sweeney - direct - Lemonedes

150

1 THE COURT: Please be seated.

2 (Time noted: 3:50 p.m.)

3 THE COURT: All right. You may call your witness.

4 MR. LEMONEDES: Thank you, Your Honor.

5 With the Court's permission, the defense calls Chief
6 of Operations for the Fire Department, Mr. Robert Sweeney or
7 Chief Sweeney I should say.

8 R O B E R T S W E E N E Y, having been first duly
9 sworn was examined and testified as follows:

10 THE COURT: Please be seated, sir.

11 Please state and spell your full name for the
12 record.

13 THE WITNESS: Robert Sweeney, S W E E N E Y.

14 THE COURT: You may inquire.

15 MR. LEMONEDES: Thank you, Your Honor.

16 DIRECT EXAMINATION

17 BY MR. LEMONEDES:

18 Q Sir, are you presently employed?

19 A Yes, by the New York City Fire Department.

20 Q And in what position?

21 A Chief of Operations.

22 Q How long have you been the Chief of Operations?

23 A For a year now.

24 Q How long have you been with the Fire Department?

25 A Thirty years, over thirty years.

Sweeney - direct - Lemonedes

151

1 Q Could you just very briefly detail your career at the
2 Fire Department?

3 A I was a firefighter for about seven and a half years in
4 Engine 69; was promoted to lieutenant, I served in Engine 235
5 in Brooklyn; I made captain, I went back to 91 in East Harlem,
6 was battalion chief, I was in the Special Operations
7 Battalion, in the Eighth Battalion in Midtown; as a deputy
8 chief I served in southern Queens and I was then made the
9 Queens Borough Commander for three years and I was promoted to
10 Assistant Chief of Operations for three years prior to my
11 current title.

12 Q And what are your duties as the Chief of Operations?

13 A As the Chief of Operations I oversee the five borough
14 commands and basically oversee all the active units on the
15 fire operations side, not the medical side, strictly the fire
16 side; ensure their readiness and their preparedness to serve
17 and protect the public of New York City.

18 Q Okay. In this litigation there's been certain testimony
19 and concerns raised regarding two specific issues that have
20 operational concerns and I'd like to address both of them with
21 you and ask for your response on both a short-term and a
22 longer term basis.

23 There's some questions that have been raised
24 regarding hiring a new academy class within the next few
25 months. Can you tell -- advise the Court or give some

1 information to His Honor regarding the operational concerns
2 and needs on that subject both on a short-term and a longer
3 term basis?

4 A On a short-term basis I think we can adequately staff, I
5 think we can minimize the risk, we're down about over 250
6 firefighters currently, we're filling the staffing vacancies
7 with overtime at the current pace but going further out from a
8 short-term if you go into months and maybe years I think we
9 create a tipping point at some point where the stress level on
10 the firefighter rank with all the members working the
11 additional overtime necessary to fill the tours going forward
12 is going to create fatigue, it is going to stress the system
13 tremendously and I think at some point the impact -- safety is
14 going to be impacted at that particular point.

15 Q Well, when you consider any of those issues, are there
16 other variables that you address or that you are taking into
17 account in giving that testimony?

18 A Yes, there are other variables, I would say the workload
19 going forward. We -- our current responses have increased the
20 past few years, we're at record levels response-wise going
21 forward even though our structural fires have come down.
22 We're nearing the winter which is normally our busiest season
23 and normally the colder the winter is, the more active our
24 fire units are on the fire side.

25 Our medical responses are about 42 percent of our

Sweeney - direct - Lemonedes

153

1 engine companies' runs right now, they respond to life
2 threatening Segment 1, 2 and 3 medical calls and they're
3 equipped, they're CFRD trained firefighters, which is
4 Certified First Responders Defibrillator, and again they're
5 taxiing runs, they are assisting with patient removal. So,
6 again, as we go forward longer term that we do not hire a
7 class or we do not get new firefighters out there, we're
8 stressing the current membership right now.

9 Q What concerns, if any, do you have regarding additional
10 training of firefighters?

11 A Additional training for firefighters starts in the
12 academy, it is basically ongoing until the day the firefighter
13 retires. We have daily drills in the fire houses that are
14 conducted by the officer and usually the senior men assist and
15 lead the officer in these drills. We have weekend multi-unit
16 drills where two or three units will get together supervised
17 by a battalion chief, conduct ongoing training.

18 As we go forward, as we have in the past, there
19 comes a point where if the senior members that are retirement
20 eligible, if the overtime does keep going up and up and
21 outpacing the current level, at some point in time the
22 attrition rate is going to increase thereby decreasing the
23 experience level in the department and that's going to affect
24 the department in other ways also.

25 Q How would decreasing the level, the seniority level of

Sweeney - direct - Lemonedes

154

1 the Fire Department have an impact?

2 A Well, when firefighters get assigned to companies they're
3 placed in the group and normally the senior men in that
4 company, well, the officer will conduct and supervise the
5 formal drills, all during the tour of duty and off-duty the
6 firefighters, the senior men take kind of the younger
7 firefighters under their wings to say and they help them
8 along, they train them, they give them good experience, they
9 give them feedback on how they operated or how they performed
10 a rescue or what may be. It is another form of mentorship
11 within the department on an informal basis.

12 Q How would that be impacted then?

13 A Well, if we do lose the senior members due to attrition
14 and retirement due to the increase in their revenue and
15 they're retirement eligible and if they leave, we're going to
16 lose that important segment of the training in the fire house,
17 the informal training.

18 Q Okay. In addition to the concerns about hiring a new
19 class shortly, are there concerns regarding closing fire
20 houses, changing in the level of manpower?

21 A There were concerns with the current fiscal year budget.
22 I think the powers of City Hall and OMB, they tasked the Fire
23 Department with reducing our overall operating budget and in
24 order to meet the needs, the PEG, the program to eliminate the
25 gap we call it, I think it was 86 million dollars, company

1 closings were put on the table at that particular time.

2 Q Well, what is your role, if any, in that situation?

3 A My role is to -- I was part of the Operations. I was
4 collecting all the data in preparation of putting a list
5 together of possibly identifying units that may or may not be
6 closed and I would deal with the ramifications of 20 units
7 being closed, the impact on the membership, the impact on the
8 city, how we do training, how we respond on a day-to-day basis
9 would certainly be affected.

10 Q I want to consider this in two different parts. There is
11 sort of the discussions that concern whether this ought to
12 happen and then there's discussions that concern if it does
13 happen, what do we do; were you involved in both of those
14 elements?

15 A As far as the discussion on whether or not it should
16 occur, I was not involved at all in that discussion.

17 Q So, your involvement was if it happens, how do we deal
18 with it?

19 A Correct.

20 Q What concerns, if any, do you have regarding closing fire
21 house?

22 A Closing fire houses affects our ability to protect and
23 serve the residents of the City of New York. I mean you can
24 close -- if you close a company, it may be affected on a local
25 basis but that's not the key there, if that company is out of

Sweeney - direct - Lemonedes

156

1 service it's going to affect response time for that
2 neighborhood, it's going to be pulling additional resources
3 from other neighborhoods out from the neighborhood they're
4 currently protecting. It is almost like a domino effect. It
5 is going to affect every community in the city.

6 Q Are you familiar with something called building
7 inspections?

8 A Yes, I am.

9 Q Would it have an impact on building inspections?

10 A Yes, a company closing would have an impact; currently
11 every fire company has an administrative district we call it,
12 it is normally located within the -- normally within the
13 confines of their response area and they're tasked with
14 building inspections that they currently go out three times a
15 week, three hours at a time and we conduct fire safety
16 inspections on buildings, both residential and public, and if
17 we were to close companies, those administrative districts
18 would have to be redistributed placing additional burden on
19 the neighborhood companies. It would affect the efficiency of
20 their overall inspections.

21 MR. LEMONEDES: Okay. May I have just one minute,
22 Your Honor?

23 THE COURT: Surely.

24 (Pause.)

25 MR. LEMONEDES: Thank you very much, Chief. Thank

Sweeney - cross - Seeley

157

1 you, Your Honor.

2 THE COURT: Cross-examination.

3 MS. SEELEY: Just one or two questions.

4 CROSS-EXAMINATION

5 BY MS. SEELEY:

6 Q Good afternoon, Chief.

7 A Good afternoon.

8 Q I believe, and you can correct me if I'm wrong, that when
9 Mr. Lemonedes was questioning you about the effect of delaying
10 hiring of new firefighter classes and you used the phrase
11 tipping point and you said that in the short-term the
12 department can handle it but going into months and maybe years
13 it leads to problems and then you talked about those problems
14 and my question was whether you can tell us what you believe
15 the tipping point is; months and years could be a long period
16 of time and I wondered whether you could make it more
17 specific?

18 A I can't really set a date in time. You know, currently
19 the staffing, the firefighters, our overtime has increased.
20 The average overtime for our membership for firefighters out
21 there has doubled in the past 12 months, has went from 45 to
22 90 hours average in addition to their roster staffing overtime
23 which is an additional 86.

24 So, they're currently working about 200 hours
25 overtime a year average-wise. That's steadily going to

1 increase until we hire a new class. I don't know what point,
2 I can't quantify it, tell you 300 hours or 400 hours but at
3 some point our firefighters are going to be working much more
4 often than they're currently working and at some point it is
5 stressful on them and stressful on the department.

6 THE COURT: Let me just ask this question. Do all
7 the firefighters work an equal or similar number of hours of
8 overtime? In other words, is the overtime of the Fire
9 Department spread evenly among firefighters from the most
10 senior to the most junior in seniority?

11 THE WITNESS: Yes, we currently have an overtime
12 policy in place to equalize overtime and we have a paid -- we
13 call it, P-A-I-D, I believe it is 5 of 74 within the
14 department, it stresses how you would hire overtime, how you
15 record the overtime to ensure it is equalized, who gets
16 offered the overtime on a specific basis, so on, so forth.
17 So, it is equalized throughout the department.

18 THE COURT: So, the most senior firefighters don't
19 do more overtime on average than the mid-range or more junior
20 firefighters?

21 THE WITNESS: In theory they should not.

22 THE COURT: Theory?

23 THE WITNESS: Correct.

24 THE COURT: Okay. Go ahead.

25 Q I just wanted to ask you, Chief, understanding your

1 previous answer that you can't really specifically locate what
2 you called the tipping point; if there were a delay, for
3 instance, of six months, do you think that that would pose a
4 substantial public safety issue?

5 A I can't really -- I would probably -- I would answer it
6 this way --

7 THE COURT: I'm sorry, you must have touched that
8 little button. There you go.

9 THE WITNESS: I'm sorry.

10 I think I would answer it this way, if we were
11 waiting six months, would that impose a public safety, there
12 are other variables in place, you know, we have a medical
13 leave issue going on in the department right now that's
14 playing a factor into the overtime and the staffing levels
15 currently going on and, again, the weather and I think an
16 event, if a terrorist event were to happen similar to -- not
17 even close to the Trade Center, we had hundreds of
18 firefighters taken offline detailed to that site for months,
19 ten, eleven months, that created additional overtime and
20 additional stress on the membership.

21 So, in a perfect world if nothing happened and the
22 medical leave remained low, no, it probably would not create
23 an initial safety impact in the six months.

24 Q Just one other question. When you talk about the
25 stresses on the system essentially is the way I think you put

Sweeney - cross - Seeley

160

1 it, kind of going on and on and snowballing and getting worse
2 over time, if in fact any delay in hiring could be made up by
3 hiring larger classes, and I'm not asking you whether that's
4 possible but just if that were possible, then wouldn't a lot
5 of this continuing stress on the system be eliminated or
6 minimized?

7 A I really can't answer as far as doubling the classes,
8 that would be the Chief of Training oversees the training
9 classes but if that was the case, until that time happened I
10 think it would create -- the issue would be with the
11 retirement eligible population we have out there, as the
12 overtime goes up and they're going to be driving them out and
13 we're losing the senior leaders out there, we have a very
14 young work force since 9/11 to begin with, I think we hired
15 over 5,000 firefighters since after 9/11 and they're kind of
16 key pieces out there as far as operation discipline and
17 passing on the experience that they have from the structural
18 fires and different types of emergency informally to the
19 younger members and that's a very necessary part of the
20 department.

21 Q Okay. Just one more question, would you agree that the
22 quicker that any delayed hires could be made up, if it's
23 possible by having larger classes, the less stress on the
24 system there would be?

25 A I would agree with that, yes.

Sweeney - cross - Levy

161

1 MS. SEELEY: Thank you, Your Honor.

2 THE COURT: All right.

3 MS. SEELEY: Thank you.

4 THE COURT: Mr. Levy.

5 CROSS EXAMINATION

6 BY MR. LEVY:

7 Q Chief Sweeney, the Fire Department hasn't hired at all
8 for the last two and a half years or two years. Was there any
9 kind of a significant or meaningful risk during that period of
10 time that you were aware of in connection with the decision
11 not to hire?

12 A I do not know the conditions why we did not -- I am not
13 involved in any discussions as far as hiring and the
14 strategies behind that but I know two years ago we were over
15 head count at the time so this wasn't that much of an issue
16 going forward, we were above, we were plus in the head count
17 and we were keeping the overtime at lower levels thereby
18 decreasing the cost of operating the department.

19 Q And when they make the decision to hire a new class, do
20 they talk to you, and I mean the department or the hiring
21 decision makers, do they talk to you at all about whether
22 there's any risk involved in not hiring?

23 A The discussion of whether to hire or not is -- I would --
24 I myself was asking the Commissioner if we could put a class
25 in, we put the discussion on hold because of the budget crisis

Sweeney - cross - Levy

162

1 and the concerns of possibly closing 20 companies on July 1st.
2 Since we -- the City Council has funded those units and we are
3 under head count, now it's even more vital that we hire a
4 class and bring the head count back up to the operating
5 strength necessary.

6 THE COURT: Can I just follow on to that. Chief,
7 when did you -- you've been in this position for a year you
8 said?

9 THE WITNESS: Correct.

10 THE COURT: When did you first ask that a new class
11 be hired?

12 THE WITNESS: Probably in the spring, late spring.

13 THE COURT: And you indicated that one of the
14 benefits of not hiring is that you don't have to increase head
15 count and that's a cost to the city in the short-term?

16 THE WITNESS: Correct.

17 THE COURT: So, basically had the city hired two
18 years ago, had it hired in January of 2009 when they were
19 planning to have a class, that would have been a short-term
20 cost but using your theory, it would be a longer term benefit
21 in the sense that you would still have -- you'd have that
22 cushion as people either retired or moved up in rank in the
23 Fire Department so that you wouldn't have to face as much
24 overtime in the medium term?

25 THE WITNESS: Correct.

Sweeney - cross - Levy

163

1 THE COURT: Is that a fair statement?

2 THE WITNESS: That is fair, yes, and I would just
3 say I didn't request a class, I just consulted with the
4 Commissioner recommending that we should have a class.

5 THE COURT: Well, that's fine. It's your job as
6 Chief of Operations to assess the needs, the operational needs
7 of the department and to make whatever recommendations are
8 appropriate, is it not?

9 THE WITNESS: Correct.

10 THE COURT: Thank you.

11 Go ahead.

12 BY MR. LEVY:

13 Q Just one or two more questions.

14 Chief, would you agree with me, with the statement
15 that more than 50 percent of their time firefighters are in
16 the fire house as opposed to out on a run?

17 A I would agree with that.

18 Q And do you know from any studies or any analysis you've
19 done in the department about what percentage of the time
20 firemen are in the fire house as opposed to out on a run?

21 A I do not know of any studies to that fact but I believe a
22 normal availability rate is about 90 percent.

23 Q So, at any one moment 90 percent of the fire force is at
24 the fire house available to go?

25 A Well, they're available. They may be out doing building

Sweeney - cross - Levy

164

1 inspections, they may be out doing hydrant inspections, they
2 may be out drilling or they may be critiquing a recent fire
3 but they are available.

4 Q So, the flip side of that is about 10 percent of the time
5 they're out on something where they are not available for
6 other things?

7 A Correct.

8 Q That could be a structural fire or some other event?

9 A Or an emergency or --

10 Q Right. Less frequently I gather a structural fire, is
11 that right?

12 A Excuse me?

13 Q Less frequently is it a structural fire?

14 A Yes.

15 Q And those have gone down?

16 A They have gone down over the last few years, correct.

17 Q If I understood you correctly, one of the issues we're
18 looking at here is overtime going up to approaching 200 hours
19 a year?

20 A Correct.

21 Q And that would be about five hours a week, is that
22 roughly or --

23 A They can get hired in tours of 9 hours or 15 hours, so,
24 and we have overtime printouts to control the overtime so it's
25 equalized, so they're supposed to hire accordingly not to let

Sweeney - cross - Levy

165

1 somebody get so far above and they do a pretty good job of
2 equalizing it citywide.

3 Q And would I be correct in stating that for the most part
4 or -- well, let me withdraw that and start the question again.

5 Firefighters are looking for overtime work
6 generally, is that right?

7 A Generally, yes.

8 Q Would you say it is a frequent occurrence that it has to
9 be mandated as opposed to offered?

10 A I would say most of the time we get enough volunteers
11 that we don't have to order anybody to work overtime.

12 Q And --

13 THE COURT: Can I just ask, is the overtime in a
14 particular house that the firefighter is assigned to or is
15 overtime sometimes scheduled for a firefighter at a different
16 location?

17 THE WITNESS: It's kind of two answers to that
18 question. One is we do overtime on a battalion-wide basis, a
19 battalion could be 6 to 10 companies, so you could work either
20 in your home fire house or any of the other fire houses within
21 that battalion, and then when you're scheduled for your roster
22 staffing overtime which is 96 hours comprised of four day
23 tours and four night tours for a calendar year, you could be
24 detailed out to any fire house in the city to work that
25 overtime.

1 THE COURT: I see. Thank you. Go ahead.

2 MR. LEVY: Just one minute Your Honor.

3 (Pause.)

4 MR. LEVY: I think that's all.

5 Thank you, Judge.

6 THE COURT: All right.

7 Chief, in a document that was presented by the city
8 earlier today the city indicated that in fiscal year '10 the
9 Fire Department was under its budgeted head count by 81
10 positions, firefighter positions and then in fiscal year '11
11 it projects, I suppose because fiscal year '11 just started,
12 that it will be 261 firefighters under its budgeted head
13 count.

14 My question is in terms of response time of the Fire
15 Department over the last five years, could you give us a
16 sketch in the statistics as to response time during that
17 period and indicate whether these numbers have created any
18 kind of problem with regard to response time?

19 THE WITNESS: Certainly. As far as the under-
20 staffing affecting response time, it should not have any
21 effect realistically on response time. It may have an effect
22 for hiring a chauffeur multiple tours, he may be tired,
23 whatever, it may be fatigue and stress to a degree but it
24 should not have any plausible effect on the response time.

25 As far as over the last five years, our times have

1 decreased and there's been other factors, we're not driving
2 faster, it is actually dispatch procedure has been modified.
3 Previously four, five years ago they would call the 911, it
4 would get transferred to the borough communications office of
5 the Fire Department for that particular borough and the
6 dispatcher would ask a series of I think seven or eight
7 questions prior to assigning the units getting all the
8 information necessary.

9 I believe about -- I don't know the exact date but
10 about two years ago we went to a pre-relief we call it, a
11 pilot program where we shortened that to only asking six
12 questions prior to assigning the units and then the dispatcher
13 would stay on the phone, ask the other two questions for the
14 call back information and just verifying the information is
15 correct.

16 Then about a year ago we went to UCT, we moved
17 our -- we have three of our current borough communications
18 offices at 11 Metrotech which is the 911 building, so now the
19 911 operators take all the information, they send it to our
20 decision dispatcher on a screen and he just assigns the units
21 automatically. If there's problems with people trapped or
22 whatever, they'll conference in a fire dispatcher for some
23 information or some assistance on what they should do at that
24 particular time.

25 So, while the response times have gone down, our

1 travel times have basically remained the same which is where
2 we actually are upon receipt of the alarm until we get to the
3 front of that building.

4 THE COURT: Now, let me ask you this question
5 regarding overtime, do you have a view as to how many
6 firefighters you would need to hire in the next two years in
7 order to completely eradicate overtime?

8 THE WITNESS: I do not know that number off the top
9 of my head but the number you read before, I don't know -- I
10 meet every week with the Chief of Personnel and I met with him
11 Monday; Monday he told me we are down 260 firefighter head
12 count already, we just entered fiscal year '11, that number is
13 going to increase.

14 THE COURT: Okay. But if you had control -- forget
15 the budget, forget the Mayor, forget the Commissioner, if you
16 were in charge of the world of fire fighting in New York City
17 and it was your objective to have a Fire Department where
18 there was no overtime, that everyone was on straight time and
19 you maximized your firefighters using straight time, how many
20 firefighters would you need to hire between now and 2012 do
21 you think? I'm not asking for a precise number.

22 THE WITNESS: Rough estimate.

23 THE COURT: Are we talking two classes, three
24 classes, four classes of 300 each?

25 THE WITNESS: If the intent is to eliminate overtime

1 per se, I would say we need -- we'd have to first capture the
2 260 we're down right now. Then we probably have about a
3 thousand firefighters a day on medical leave and light duty,
4 so we'd probably have to add another thousand -- we probably
5 need 1,200 total to eliminate the overtime.

6 THE COURT: You'd need four classes taking into
7 account attrition over the two-year period?

8 THE WITNESS: Maybe five by the time we got there,
9 we could lose another 2 or 300 firefighters.

10 THE COURT: Okay. That wouldn't make some people
11 happy, would it?

12 THE WITNESS: It wouldn't make -- no, it would not
13 make some people happy.

14 THE COURT: Okay.

15 Well, I thank you very much.

16 Is there anything else from you, .
17 Mr. Lemonedes?

18 MR. LEMONEDES: No, sir. Thank you.

19 THE COURT: Anything else?

20 MR. LEMONEDES: We're happy about that.

21 THE COURT: You're happy?

22 MR. LEMONEDES: We're happy if there's nothing
23 further we need to present.

24 THE COURT: Anything else from the other
25 parties?

1 MR. LEVY: No, Your Honor.

2 THE COURT: Chief, thank you very much for coming on
3 short notice, the Court really appreciates it and I would add
4 that the Court very much appreciates your service over the
5 last thirty years, as do all New Yorkers.

6 THE WITNESS: Thank you very much, Your Honor.

7 THE COURT: You're welcome.

8 (Witness steps down.)

9 THE COURT: Do you have anybody else,
10 Mr. Lemonedes?

11 MR. LEMONEDES: No, sir.

12 THE COURT: Okay.

13 Does the United States government have any
14 witnesses?

15 MS. SEELEY: No, Your Honor.

16 THE COURT: Mr. Levy?

17 MR. LEMONEDES: No.

18 MR. LEVY: No. If Paul Washington could have
19 stayed but he had to be at his fire house, we probably
20 would have asked him to talk about some of the overtime
21 issues but I think we're covered adequately and I think
22 we're done.

23 THE COURT: Okay. Is there anything else for
24 today from the plaintiff and plaintiff-intervenor?

25 MR. LEVY: No.

1 MS. SEELEY: No, Your Honor.

2 THE COURT: Anything from you?

3 MR. LEMONEDDES: No, sir.

4 THE COURT: Now, tomorrow you're going back to talk
5 with the Special Master, correct?

6 MR. LEVY: Tomorrow, you know, is on the issue of
7 test development.

8 THE COURT: Very important issue.

9 When are you next meeting on the more immediate
10 issue, if at all, which is what to do about this test?

11 MS. SEELEY: We don't have anything scheduled other
12 than Your Honor suggested I thought this morning that the
13 Special Master may be asking us to meet again next week.

14 MR. LEMONEDDES: My understanding is that we will
15 definitely be meeting next week and that that's the issue that
16 would be discussed in part tomorrow when all three of us are
17 there with the Special Master.

18 So, sort of in between --

19 MS. SEELEY: Scheduling.

20 MR. LEMONEDDES: -- dealing with the different
21 experts we might as well get that together when we're all
22 there.

23 MR. LEVY: We do have a regular scheduled meeting.

24 MR. LEMONEDDES: On Tuesday.

25 THE COURT: On Tuesday.

1 I think what we were told by the Special Master was
2 that she may convene a session on Monday to discuss a possible
3 resolution of what to do about the class that was scheduled
4 for August 30th, so be prepared possibly to meet on Monday as
5 well.

6 MS. SEELEY: We will, Your Honor.

7 THE COURT: Thank you everyone.

8 MR. LEVY: One other thing I think I should mention,
9 we had some papers coming up due in reply on a back pay issue
10 and we discussed with the city and with the United States
11 government putting that off because we're all caught up in
12 this test development and this test and we put that off until
13 probably mid-September; is that all right?

14 THE COURT: If you're all in agreement, send me a
15 letter and I'll so order it, that way we have all of that in
16 the record and there will be no misunderstandings.

17 MR. LEVY: Very good.

18 THE COURT: Anything else for today?

19 (No response.)

20 THE COURT: Oh, with regard to some of the materials
21 that underlie the charts, the parties should discuss that as
22 to what's needed by the plaintiff and the intervenors but if
23 there's a problem, see the magistrate judge but try to work
24 out any problem without the magistrate judge and remember that
25 in terms of the priorities that we have, the first priority

1 obviously at the moment is to deal with the August 30th class
2 and the overriding priority is to deal with the preparation of
3 a new test. So, you know, prioritize, to use an overused word
4 that may not even be a word. Okay. Thank you. Have a nice
5 day.

6 MR. LEMONEDDES: Thank you, sir.

7 (Time noted: 4:20 p.m.)

8 (End of proceedings.)
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

I N D E XWITNESSPAGE

S T E P H E N R U S H

10

DIRECT EXAMINATION

11

BY MR. LEMONEDES

CROSS-EXAMINATION

54

BY MS. SEELEY:

CROSS-EXAMINATION

58

BY MR. LEVY:

D O N A Y Q U E E N A N

76

DIRECT EXAMINATION

78

BY MR. LEMONEDES:

CROSS-EXAMINATION

115

BY MS. BURRELL:

CROSS-EXAMINATION

127

BY MR. LEVY:

REDIRECT EXAMINATION

147

BY MR. LEMONEDES

R O B E R T S W E E N E Y

DIRECT EXAMINATION

150

BY MR. LEMONEDES

1	CROSS-EXAMINATION	157
2	BY MS. SEELEY	
3	CROSS EXAMINATION	161
4	BY MR. LEVY	

5

6

7

8

9

E X H I B I T S

10

PAGE

11

12

A6	95
----	----

13

A7	96
----	----

14

Exhibits A8 and A9	97
--------------------	----

15

A5	103
----	-----

16

A10	112
-----	-----

17

Defendant's Exhibits B-1 through	24
----------------------------------	----

18

B-14

19

Defendant's Exhibit A-1	82
-------------------------	----

20

Defendant's Exhibit A-2	82
-------------------------	----

21

Defendant's Exhibit A-3	84
-------------------------	----

22

23

24

25

\$	115 [1] - 173:16 119,000,531 [1] - 44:20 1196 [1] - 58:5 11th [2] - 6:14, 85:20 12 [13] - 24:23, 50:3, 50:9, 50:20, 58:15, 58:17, 100:17, 102:15, 133:22, 137:11, 143:15, 157:21 12-week [1] - 102:16 12.2 [1] - 33:6 12.7 [1] - 39:5 120 [1] - 16:14 127 [1] - 173:18 129 [1] - 44:19 13 [5] - 58:15, 58:17, 87:5, 88:24, 133:6 134 [2] - 15:2, 62:4 14 [2] - 24:4, 135:13 147 [1] - 173:20 15 [4] - 129:11, 144:15, 146:10, 164:23 150 [2] - 16:13, 173:24 1500 [1] - 60:19 157 [1] - 174:1 16 [9] - 21:9, 21:10, 21:11, 27:22, 28:4, 50:9, 52:10, 52:11, 62:2 161 [1] - 174:3 18 [11] - 29:14, 29:16, 33:14, 34:6, 42:14, 44:10, 58:15, 58:19, 58:24, 59:25, 60:10 19 [1] - 1:21 1979 [2] - 12:6, 12:13 198 [1] - 14:25 1981 [1] - 12:14 1984 [1] - 12:15 1987 [2] - 11:14, 12:16 1989 [1] - 13:17 1996 [1] - 19:23 1:00 [1] - 78:12 1:15 [1] - 78:13 1:55 [1] - 149:21 1st [8] - 9:12, 19:16, 20:6, 22:8, 33:18, 43:21, 61:16, 162:1	50:1, 66:12, 114:19, 122:21, 162:18 2010 [3] - 1:21, 21:8, 21:25 2011 [9] - 19:16, 20:5, 20:6, 20:15, 22:10, 32:11, 33:8, 52:24, 63:9 2012 [6] - 32:25, 43:20, 44:3, 44:7, 55:23, 168:19 2013 [4] - 49:12, 54:24, 55:3, 55:4 2015 [1] - 44:17 2043 [3] - 72:15, 93:12, 93:16 20530 [1] - 2:4 208 [1] - 35:10 211 [2] - 35:9, 55:22 2121 [5] - 83:7, 105:9, 108:13, 122:23, 123:6 2122 [1] - 123:10 214 [4] - 106:25, 107:1, 107:13, 107:14 21st [1] - 37:25 22,000 [1] - 70:15 220 [1] - 85:23 225 [1] - 2:23 23 [2] - 58:13, 125:17 23-week [1] - 125:19 235 [1] - 151:4 238 [1] - 118:18 24 [3] - 12:25, 106:20, 174:17 243 [1] - 97:7 25 [1] - 26:22 250 [2] - 30:16, 152:5 26,000 [1] - 62:20 260 [2] - 168:10, 169:1 261 [2] - 26:9, 166:12 271 [1] - 2:8 280 [1] - 56:14 281,000 [1] - 138:3 290 [1] - 56:14 291 [5] - 115:22, 116:1, 116:5, 116:10, 116:13 296 [1] - 25:23 2:30 [1] - 77:10 2nd [1] - 37:17
'	'07 [2] - 25:2, 129:18 '08 [6] - 59:13, 59:21, 59:23, 88:4, 90:5, 91:1 '09 [10] - 25:13, 25:19, 25:20, 28:12, 28:13, 51:7, 59:24, 60:1, 60:6, 120:9 '10 [12] - 22:1, 25:12, 26:3, 27:21, 28:14, 29:2, 29:7, 29:11, 30:15, 39:6, 60:9, 166:8 '11 [8] - 22:1, 26:8, 35:6, 35:15, 39:7, 166:11, 168:11 '12 [1] - 35:11 '96 [1] - 24:21	
0	056 [1] - 130:3 07-CV-2067 [1] - 1:4 08 [1] - 59:16 09 [1] - 60:2	
1	1 [6] - 50:3, 52:12, 52:24, 66:11, 83:7, 153:2 1,200 [3] - 44:4, 135:12, 169:4 1,600 [1] - 13:13 1,700 [2] - 13:19, 16:12 1.4 [1] - 39:11 1.6 [1] - 63:3 1.684,924 [1] - 33:5 10 [3] - 164:4, 165:19, 173:5 10,622,222 [1] - 33:5 100 [3] - 2:19, 13:15, 138:2 10007 [1] - 2:19 10011-5126 [1] - 2:12 103 [1] - 174:15 10:00 [1] - 1:21 11 [4] - 83:1, 129:19, 167:17, 173:6 112 [1] - 174:16 11201 [2] - 2:8, 2:23	
2	2 [6] - 18:9, 18:11, 53:16, 69:22, 153:2, 169:8 2,000 [1] - 133:15 20 [11] - 22:2, 26:22, 36:14, 40:10, 52:14, 52:22, 63:5, 63:12, 63:17, 155:6, 162:1 20,000 [1] - 133:15 200 [5] - 16:13, 30:15, 133:14, 157:24, 164:18 2001 [1] - 43:22 2003 [2] - 21:6, 58:4 2004 [1] - 126:3 2006 [1] - 20:5 2008 [1] - 114:11 2009 [9] - 37:17, 37:18, 37:25, 49:11,	
3	3 [2] - 18:9, 153:2 3,000 [4] - 129:25, 130:1, 131:7, 131:11 3.2 [1] - 56:25 30 [7] - 22:9, 56:17, 92:22, 114:9, 125:16, 125:22, 126:24 300 [27] - 16:6, 20:16, 25:14, 31:17, 31:20, 32:16, 35:9, 43:21, 43:24, 44:7, 46:22, 47:2, 55:12, 55:14, 56:6, 56:7, 56:11, 56:12, 57:8, 67:13, 116:19, 117:2, 123:18, 158:2, 168:23, 169:8 30th [4] - 31:18, 33:18, 171:21, 172:18 312 [13] - 31:18, 35:8, 35:16, 35:17, 37:6, 55:12, 56:9, 56:13, 56:16, 57:10, 116:1, 125:22, 125:25 350 [2] - 47:2, 70:12	

<p>365 [1] - 12:25 39 [1] - 57:6 3:00 [1] - 66:2 3:30 [2] - 149:9, 149:16 3:45 [2] - 149:18, 149:19 3:50 [1] - 150:2</p>	<p>718-613-2274 [1] - 2:24 74 [1] - 158:13 76 [1] - 173:13 78 [1] - 173:14</p>	<p>115:9 A4A [7] - 105:4, 108:10, 109:23, 110:1, 110:7, 115:7, 115:9 A5 [6] - 102:20, 103:8, 103:9, 103:11, 105:4, 174:15 A6 [13] - 91:22, 92:1, 92:13, 92:15, 95:8, 95:10, 95:12, 115:21, 117:3, 117:15, 118:6, 125:21, 174:12 A7 [6] - 91:22, 95:7, 95:14, 96:6, 96:8, 174:13 A8 [8] - 91:23, 96:17, 97:3, 97:4, 97:9, 97:12, 97:16, 174:14 A9 [8] - 91:23, 97:2, 97:4, 97:6, 97:7, 97:12, 97:16, 174:14 abilities [1] - 100:19 ability [10] - 31:13, 65:8, 79:5, 79:14, 81:6, 100:9, 102:21, 122:18, 146:15, 155:22 able [8] - 65:25, 90:5, 90:7, 94:11, 108:20, 110:4, 136:5, 139:2 abodes [1] - 136:23 absences [1] - 27:4 absent [2] - 31:21, 31:23 absolutely [5] - 9:11, 33:22, 46:19, 68:5, 91:8 academy [33] - 8:11, 16:7, 33:12, 40:7, 41:5, 41:13, 56:8, 56:12, 56:14, 56:15, 59:4, 59:6, 67:9, 73:20, 85:21, 88:5, 88:9, 88:25, 91:1, 93:11, 102:6, 102:8, 113:8, 115:23, 123:18, 125:15, 125:18, 126:4, 138:7, 151:24, 153:12 accelerate [1] - 56:1 accept [2] - 42:23, 90:1 accepted [1] - 43:15 access [1] - 136:23 accomplished [1] - 141:10 according [2] - 74:3, 125:21 accordingly [1] - 164:25 account [7] - 16:4, 16:12, 73:25, 94:22, 142:19, 152:17, 169:6 accredited [1] - 145:6 accuracy [5] - 69:18, 70:1, 96:3, 108:20, 109:7 accurate [6] - 15:16, 45:12, 69:4, 85:17, 108:24, 118:25 achieve [2] - 8:17, 37:4 acknowledged [1] - 69:3 Act [1] - 8:15 act [1] - 8:16 action [2] - 30:18, 48:19 actions [1] - 49:14 active [7] - 48:15, 90:4, 93:21, 94:7, 95:20, 151:14, 152:23 actual [2] - 48:16, 110:5 actuals [1] - 24:22 add [4] - 27:5, 128:10, 169:3, 169:24 added [2] - 50:10, 110:25 addition [9] - 26:24, 88:3, 98:16, 99:16, 107:20, 111:6, 113:22, 154:18, 157:22</p>
4	<p>8</p> <p>8 [2] - 24:3, 167:6 8,600 [1] - 15:3 8,654 [2] - 26:1, 30:5 8,760 [3] - 13:2, 13:7, 13:20 80 [1] - 2:11 800 [1] - 46:21 81 [4] - 26:4, 29:3, 29:12, 166:9 82 [2] - 174:19, 174:20 84 [1] - 174:21 85 [1] - 15:3 86 [2] - 154:25, 157:23 86,980 [1] - 41:8 88 [1] - 86:1 8th [1] - 2:12</p>	
5	9	
<p>5 [3] - 56:3, 158:13, 167:3 5,000 [1] - 160:15 5.7 [1] - 32:12 50 [4] - 19:11, 44:9, 130:3, 163:15 50-50 [1] - 131:17 500 [2] - 16:19, 16:23 54 [1] - 173:8 55-dollar [1] - 53:11 556 [1] - 27:16 58 [1] - 173:10</p>	<p>9 [1] - 164:23 9/11 [6] - 21:7, 44:25, 135:11, 136:2, 160:14, 160:15 90 [4] - 19:1, 157:22, 163:22, 163:23 91 [1] - 151:5 911 [3] - 167:3, 167:17, 167:18 95 [1] - 174:12 950 [1] - 2:3 96 [2] - 165:22, 174:13 97 [1] - 174:14</p>	
6	A	
<p>6 [3] - 133:22, 137:11, 165:19 60 [4] - 19:11, 19:24, 20:7, 20:17 6019 [32] - 7:14, 25:13, 38:2, 70:6, 83:9, 85:22, 85:23, 86:14, 86:25, 88:16, 89:24, 90:4, 90:20, 93:3, 93:21, 94:3, 94:8, 94:12, 94:13, 105:8, 115:23, 116:1, 116:8, 116:17, 121:3, 130:4, 138:8, 148:3, 148:4 60192 [1] - 95:16 605 [1] - 130:3 61 [1] - 133:6 64 [1] - 15:1 65 [1] - 94:20 6506 [19] - 86:2, 86:3, 86:4, 86:13, 86:17, 87:3, 88:4, 88:7, 88:12, 88:23, 89:2, 93:6, 111:19, 130:3, 130:17, 133:5, 133:6, 133:12, 148:25 69 [1] - 151:4</p>	<p>A-1 [7] - 78:22, 78:24, 81:19, 81:21, 81:25, 82:1, 174:19 A-10 [3] - 78:22, 78:24, 79:1 A-2 [5] - 82:2, 82:23, 82:24, 85:18, 174:20 A-2's [1] - 82:20 A-3 [6] - 83:3, 83:16, 84:7, 84:8, 85:16, 174:21 A-4-A [1] - 78:25 A-5 [1] - 79:13 A-7 [1] - 79:1 a.m [1] - 1:21 A10 [4] - 98:1, 111:16, 112:5, 174:16 A2 [1] - 118:2 A3 [12] - 105:10, 105:14, 105:18, 106:4, 116:15, 117:7, 118:9, 119:5, 120:6, 124:19, 125:12, 126:7 A4 [16] - 105:3, 105:4, 105:5, 105:7, 105:8, 105:11, 105:16, 105:23, 106:9, 106:11, 108:14, 110:3, 110:6, 115:8,</p>	
7		
<p>7 [1] - 167:6 7,500 [1] - 46:21 7029 [4] - 72:15, 93:12, 93:16, 97:10</p>		

<p>additional [20] - 30:13, 41:15, 50:3, 68:19, 69:20, 80:10, 88:5, 88:24, 89:2, 94:23, 138:5, 145:20, 152:11, 153:9, 153:11, 156:2, 156:18, 157:23, 159:19, 159:20</p> <p>address [9] - 68:16, 83:23, 84:25, 85:19, 128:5, 128:18, 139:7, 151:20, 152:16</p> <p>addressed [1] - 83:1</p> <p>addresses [3] - 129:2, 130:7, 130:13</p> <p>adds [1] - 70:19</p> <p>adequately [2] - 152:4, 170:15</p> <p>adjust [1] - 6:8</p> <p>adjustment [1] - 51:6</p> <p>adjustments [1] - 49:18</p> <p>administer [1] - 93:20</p> <p>administered [4] - 88:12, 93:22, 94:8, 123:6</p> <p>administers [1] - 129:15</p> <p>ADMINISTRATIVE [1] - 1:16</p> <p>Administrative [1] - 90:11</p> <p>administrative [2] - 156:11, 156:17</p> <p>admission [7] - 79:18, 81:21, 82:20, 83:16, 95:24, 103:8, 111:24</p> <p>admit [1] - 104:6</p> <p>admitted [2] - 76:23, 84:4</p> <p>adopted [3] - 36:13, 51:5, 63:9</p> <p>adoption [3] - 22:19, 27:22, 63:14</p> <p>advance [3] - 5:21, 126:21, 129:20</p> <p>advantage [1] - 138:24</p> <p>adverse [3] - 40:2, 149:1, 149:4</p> <p>adversely [1] - 74:2</p> <p>advise [2] - 99:3, 151:25</p> <p>advised [1] - 100:8</p> <p>advocated [2] - 28:10, 66:11</p> <p>affect [4] - 153:23, 156:1, 156:5, 156:19</p> <p>affected [3] - 47:10, 155:9, 155:24</p> <p>affecting [1] - 166:20</p> <p>affects [1] - 155:22</p> <p>afield [1] - 5:25</p> <p>African [1] - 72:18</p> <p>African-American [1] - 72:18</p> <p>Afro [1] - 125:5</p> <p>Afro-American [1] - 125:5</p> <p>afternoon [10] - 64:18, 64:24, 66:2, 67:11, 77:5, 115:19, 115:20, 157:6, 157:7</p> <p>age [1] - 98:15</p> <p>agencies [14] - 12:10, 12:11, 12:24, 18:1, 18:4, 18:9, 52:5, 52:6, 137:12, 137:13, 137:16, 138:10, 138:11</p> <p>agency [6] - 17:15, 108:3, 108:8, 134:21, 134:23, 142:25</p> <p>ago [12] - 52:8, 58:14, 89:21, 101:19, 101:21, 128:13, 128:24, 161:14, 162:18, 167:3, 167:9, 167:15</p> <p>agree [6] - 73:12, 143:3, 160:21, 160:25, 163:14, 163:17</p>	<p>agreed [1] - 19:23</p> <p>agreement [10] - 13:17, 14:5, 19:22, 20:4, 20:5, 22:4, 22:22, 63:8, 69:12, 172:6</p> <p>ahead [20] - 22:13, 28:24, 40:21, 43:13, 80:1, 84:24, 90:22, 97:19, 98:5, 104:24, 109:22, 114:21, 124:11, 139:11, 141:24, 145:12, 147:21, 158:24, 163:11, 166:1</p> <p>alarm [1] - 168:1</p> <p>allied [1] - 5:3</p> <p>allow [3] - 67:1, 67:5, 148:5</p> <p>almost [1] - 156:4</p> <p>altering [1] - 30:2</p> <p>alternative [1] - 5:14</p> <p>alternatives [1] - 53:24</p> <p>alters [1] - 111:8</p> <p>ambulances [1] - 19:4</p> <p>AMERICA [1] - 1:3</p> <p>America [1] - 54:6</p> <p>American [2] - 72:18, 125:5</p> <p>amount [3] - 46:7, 57:9, 135:4</p> <p>analyses [1] - 31:25</p> <p>analysis [11] - 14:6, 16:8, 16:15, 17:3, 30:21, 42:4, 43:17, 56:4, 56:5, 144:4, 163:18</p> <p>analyst [1] - 12:14</p> <p>ANJANA [1] - 2:15</p> <p>Anjana [1] - 3:19</p> <p>announced [1] - 28:17</p> <p>annual [1] - 17:17</p> <p>answer [10] - 48:4, 53:3, 67:1, 67:5, 81:5, 137:19, 159:1, 159:5, 159:10, 160:7</p> <p>answered [1] - 137:18</p> <p>answering [1] - 85:6</p> <p>answers [2] - 65:22, 165:17</p> <p>anticipated [2] - 114:11, 125:21</p> <p>apart [1] - 108:25</p> <p>apologize [2] - 91:8, 95:9</p> <p>appeal [2] - 127:6, 127:8</p> <p>appear [2] - 72:21, 136:24</p> <p>appearances [1] - 3:3</p> <p>APPEARANCES [1] - 2:1</p> <p>appeared [1] - 96:11</p> <p>apples [1] - 45:14</p> <p>applicant [1] - 81:1</p> <p>applicants [5] - 4:25, 5:9, 119:5, 127:17, 143:9</p> <p>application [4] - 19:6, 80:22, 117:25, 119:13</p> <p>applied [2] - 86:6, 107:24</p> <p>apply [5] - 108:5, 108:7, 117:24, 130:19, 132:2</p> <p>applying [1] - 134:18</p> <p>appoint [2] - 123:18, 144:13</p> <p>appointed [11] - 87:6, 101:6, 116:23, 130:21, 130:22, 131:2, 146:18, 146:19, 146:24, 146:25, 147:11</p>	<p>appointment [7] - 86:21, 90:2, 95:17, 96:21, 101:1, 138:18, 145:19</p> <p>appreciate [1] - 109:21</p> <p>appreciates [3] - 68:2, 169:24, 169:25</p> <p>approach [3] - 9:24, 10:20, 138:8</p> <p>approaches [1] - 5:14</p> <p>approaching [2] - 129:18, 164:18</p> <p>appropriate [10] - 6:20, 6:22, 42:20, 50:16, 65:1, 84:14, 107:20, 110:20, 136:13, 163:8</p> <p>appropriately [2] - 84:21, 113:7</p> <p>approval [3] - 19:9, 30:20, 125:9</p> <p>approvals [1] - 125:13</p> <p>approved [1] - 49:14</p> <p>April [5] - 51:19, 51:22, 51:24, 60:9</p> <p>arbitration [2] - 13:17, 61:19</p> <p>area [2] - 129:19, 156:13</p> <p>areas [1] - 139:13</p> <p>argue [1] - 140:5</p> <p>argument [1] - 79:23</p> <p>arrangements [1] - 4:16</p> <p>arrest [2] - 142:21, 145:19</p> <p>arrested [2] - 113:24, 146:1</p> <p>arrests [1] - 98:23</p> <p>ascertained [1] - 146:6</p> <p>aside [3] - 51:11, 51:12, 131:6</p> <p>aspect [2] - 7:6, 73:3</p> <p>aspects [2] - 70:3, 112:8</p> <p>assert [1] - 71:24</p> <p>asserting [1] - 71:15</p> <p>assess [1] - 163:6</p> <p>assigned [4] - 119:6, 119:24, 154:2, 165:14</p> <p>assigning [2] - 167:7, 167:11</p> <p>assignment [2] - 12:8, 119:19</p> <p>assigns [1] - 167:19</p> <p>assist [2] - 138:6, 153:14</p> <p>assistance [1] - 167:22</p> <p>Assistant [8] - 2:9, 10:7, 11:12, 11:15, 12:16, 68:15, 80:5, 151:10</p> <p>Assisted [1] - 2:25</p> <p>assisting [1] - 153:5</p> <p>associated [2] - 13:4, 50:2</p> <p>assortment [1] - 41:18</p> <p>Asst [1] - 2:21</p> <p>assume [3] - 32:6, 37:9, 129:10</p> <p>assumes [1] - 55:1</p> <p>assuming [8] - 31:14, 31:15, 36:18, 37:6, 37:8, 44:14, 55:19, 55:21</p> <p>assumption [4] - 36:17, 36:19, 43:24, 44:25</p> <p>assumptions [5] - 29:17, 35:22, 35:23, 42:11, 55:24</p> <p>attempt [3] - 31:11, 53:18, 83:23</p> <p>attempted [5] - 24:12, 39:2, 41:2, 117:18, 128:9</p> <p>attempting [8] - 6:18, 7:3, 18:23, 43:11, 71:23, 73:8, 77:7, 97:23</p> <p>attempts [2] - 34:25, 127:22</p>
---	--	---

<p>attend [1] - 64:19</p> <p>attendant [1] - 48:3</p> <p>attended [1] - 123:13</p> <p>attention [12] - 23:3, 26:16, 27:19, 28:2, 29:1, 42:3, 49:20, 51:16, 80:9, 82:2, 83:3, 141:7</p> <p>Attorney [2] - 2:7, 2:9</p> <p>attractive [2] - 45:11, 45:12</p> <p>attrit [1] - 30:10</p> <p>attriting [1] - 25:15</p> <p>attrition [32] - 16:9, 16:17, 16:22, 21:2, 21:14, 26:5, 26:11, 26:13, 26:14, 26:19, 27:4, 27:13, 27:15, 29:18, 34:1, 35:22, 35:23, 40:14, 44:24, 45:9, 46:16, 53:20, 54:14, 54:16, 60:3, 61:2, 64:5, 153:22, 154:13, 169:6</p> <p>August [25] - 1:21, 6:14, 29:11, 31:18, 32:3, 33:18, 35:15, 35:20, 38:18, 55:13, 60:2, 69:22, 83:1, 85:20, 92:22, 113:21, 114:9, 125:8, 125:16, 125:22, 126:18, 126:24, 171:21, 172:18</p> <p>authorized [9] - 14:5, 15:4, 24:24, 25:1, 25:25, 28:5, 29:18, 29:21, 46:22</p> <p>automatically [1] - 167:20</p> <p>avail [1] - 102:10</p> <p>availability [3] - 16:12, 129:20, 163:22</p> <p>available [13] - 9:15, 47:7, 47:8, 76:18, 84:22, 87:3, 87:5, 93:15, 163:24, 163:25, 164:3, 164:5</p> <p>Avenue [2] - 2:3, 2:11</p> <p>average [19] - 13:13, 14:8, 16:13, 16:14, 16:18, 16:22, 17:8, 24:22, 24:23, 26:19, 27:18, 53:10, 157:20, 157:22, 157:25, 158:19</p> <p>average-wise [1] - 157:25</p> <p>avoid [2] - 99:12, 136:4</p> <p>aware [3] - 39:13, 46:5, 161:10</p> <p>B</p> <p>B-1 [7] - 10:25, 23:3, 23:14, 24:16, 24:18, 29:1, 174:17</p> <p>B-10 [1] - 49:5</p> <p>B-11 [1] - 51:5</p> <p>B-12 [1] - 51:16</p> <p>B-14 [8] - 10:25, 23:7, 23:8, 23:14, 24:16, 52:20, 52:21, 174:18</p> <p>B-2 [3] - 26:17, 54:13, 63:24</p> <p>B-3 [1] - 27:20</p> <p>B-4 [4] - 31:9, 54:20, 55:7, 55:19</p> <p>B-5 [4] - 34:24, 34:25, 55:1, 55:10</p> <p>B-6 [2] - 38:9, 49:20</p> <p>B-7 [3] - 23:7, 40:22, 56:19</p> <p>B-8 [3] - 23:8, 42:4</p> <p>B-9 [1] - 48:11</p> <p>backfill [2] - 41:12, 41:14</p> <p>background [18] - 23:18, 30:21, 98:18, 112:12, 112:16, 112:18, 123:17, 123:19, 136:13, 136:15, 136:19,</p>	<p>137:11, 137:13, 139:17, 142:15, 144:25, 145:23, 146:3</p> <p>balance [2] - 8:14, 18:18</p> <p>balanced [1] - 54:25</p> <p>balancing [2] - 8:8, 8:16</p> <p>bang [1] - 17:6</p> <p>bank [2] - 134:18, 134:20</p> <p>bargaining [1] - 49:19</p> <p>barred [1] - 134:4</p> <p>base [1] - 23:21</p> <p>based [24] - 9:3, 15:3, 15:16, 15:19, 16:5, 29:17, 32:19, 42:12, 42:18, 60:3, 66:23, 71:10, 71:15, 79:5, 79:16, 107:6, 108:19, 110:6, 110:7, 117:15, 118:6, 118:7, 133:17, 141:6</p> <p>baseline [3] - 31:14, 32:19, 35:18</p> <p>basic [4] - 26:14, 53:14, 111:21, 136:9</p> <p>basis [17] - 24:9, 35:19, 46:25, 53:15, 53:21, 69:8, 137:16, 144:4, 151:22, 152:3, 152:4, 154:11, 155:8, 155:25, 158:16, 165:18</p> <p>battalion [5] - 151:6, 153:17, 165:18, 165:19, 165:21</p> <p>Battalion [2] - 151:7</p> <p>battalion-wide [1] - 165:18</p> <p>bears [1] - 79:20</p> <p>became [2] - 12:16, 50:9</p> <p>become [5] - 36:5, 36:6, 46:16, 71:21, 103:22</p> <p>becomes [2] - 47:4, 79:6</p> <p>BEFORE [1] - 1:22</p> <p>begin [6] - 51:20, 80:12, 125:16, 128:20, 129:22, 160:14</p> <p>beginning [10] - 19:25, 25:2, 25:12, 25:13, 27:21, 29:7, 43:21, 45:23, 49:25, 96:2</p> <p>begun [1] - 128:12</p> <p>behalf [4] - 1:7, 1:9, 4:1, 4:3</p> <p>behind [1] - 161:14</p> <p>belief [1] - 65:18</p> <p>below [6] - 26:4, 44:5, 44:6, 46:22, 122:23, 123:5</p> <p>bench [1] - 9:16</p> <p>beneficial [2] - 25:6, 103:23</p> <p>benefit [9] - 17:5, 20:25, 44:11, 99:21, 109:12, 121:11, 121:16, 121:23, 162:20</p> <p>benefits [1] - 162:14</p> <p>best [5] - 5:7, 8:5, 62:14, 78:18, 81:6</p> <p>bet [2] - 65:20, 145:7</p> <p>better [3] - 46:1, 46:13, 77:25</p> <p>between [10] - 26:22, 69:12, 69:21, 71:13, 72:1, 105:20, 114:12, 114:15, 168:19, 171:10</p> <p>beyond [7] - 31:1, 47:4, 49:15, 53:12, 73:22, 97:18, 128:16</p> <p>billion [1] - 63:3</p> <p>birth [1] - 81:17</p> <p>bit [3] - 5:12, 6:13, 14:13</p> <p>blacks [3] - 71:1, 72:5, 149:4</p>	<p>blank [1] - 144:16</p> <p>BLOOMBERG [1] - 1:16</p> <p>board [2] - 15:25, 33:13</p> <p>bogus [1] - 145:2</p> <p>bonus [3] - 71:5, 71:9, 71:10</p> <p>book [3] - 9:25, 69:1, 102:21</p> <p>Borough [1] - 151:9</p> <p>borough [4] - 151:13, 167:4, 167:5, 167:16</p> <p>bottom [1] - 25:19</p> <p>boy [1] - 23:3</p> <p>break [3] - 26:20, 75:4, 75:8</p> <p>breakdown [1] - 92:17</p> <p>brief [1] - 77:11</p> <p>briefly [6] - 6:12, 12:4, 12:17, 53:1, 81:11, 151:1</p> <p>bring [3] - 14:13, 141:8, 162:4</p> <p>bringing [1] - 45:21</p> <p>brings [1] - 107:12</p> <p>broader [2] - 67:2, 67:4</p> <p>Brooklyn [4] - 1:13, 2:8, 2:23, 151:5</p> <p>brought [3] - 41:5, 119:14, 138:6</p> <p>buck [1] - 17:6</p> <p>Budget [9] - 10:7, 11:12, 11:16, 12:7, 12:8, 12:16, 17:19, 17:20, 18:1</p> <p>budget [74] - 11:17, 11:19, 12:12, 12:14, 12:18, 12:20, 17:5, 17:16, 17:19, 17:21, 18:10, 18:11, 18:12, 18:14, 18:18, 19:1, 20:10, 22:19, 25:3, 25:16, 27:22, 27:24, 30:1, 31:21, 34:7, 36:5, 36:10, 36:11, 36:12, 36:17, 36:20, 36:22, 37:14, 40:9, 40:10, 45:17, 46:3, 48:13, 49:15, 49:16, 49:18, 49:24, 50:18, 51:6, 51:14, 51:19, 51:21, 51:23, 51:24, 51:25, 52:1, 52:4, 52:11, 52:12, 52:13, 60:5, 60:22, 60:23, 61:10, 61:16, 61:22, 63:2, 63:9, 63:12, 63:13, 63:16, 154:21, 154:23, 161:25, 168:14</p> <p>budgetary [7] - 46:10, 49:22, 50:21, 52:15, 53:6, 59:19, 66:14</p> <p>budgeted [6] - 13:25, 24:21, 30:2, 30:4, 166:9, 166:12</p> <p>build [5] - 15:3, 43:18, 43:19, 44:14, 44:25</p> <p>build-out [1] - 44:14</p> <p>building [7] - 36:17, 156:6, 156:9, 156:13, 163:25, 167:17, 168:2</p> <p>buildings [1] - 156:16</p> <p>built [2] - 13:16, 43:24</p> <p>bump [1] - 61:6</p> <p>bump-in [1] - 61:6</p> <p>bunker [1] - 41:17</p> <p>burden [1] - 156:18</p> <p>Burrell [2] - 3:8, 115:15</p> <p>BURRELL [20] - 2:5, 3:7, 78:24, 79:11, 79:25, 81:23, 82:22, 83:17, 95:11, 96:1, 97:14, 103:10, 104:2, 108:18, 112:2, 115:18, 116:25, 123:9, 127:9, 173:17</p> <p>bursar's [1] - 139:23</p> <p>busiest [1] - 152:22</p>
---	---	---

<p>business [1] - 104:21</p> <p>button [1] - 159:8</p> <p>buy [1] - 41:17</p> <p>BY [31] - 2:4, 2:9, 2:13, 2:15, 2:20, 11:6, 48:10, 54:11, 58:2, 78:20, 80:4, 88:2, 115:18, 127:15, 133:2, 145:13, 147:23, 150:17, 157:5, 161:6, 163:12, 173:7, 173:9, 173:11, 173:15, 173:17, 173:19, 173:21, 173:25, 174:2, 174:4</p>	<p>capacities [1] - 1:19</p> <p>capital [1] - 11:19</p> <p>Captain [1] - 77:21</p> <p>captain [3] - 64:2, 64:3, 151:5</p> <p>capture [1] - 168:25</p> <p>career [2] - 56:17, 151:1</p> <p>carefully [1] - 23:11</p> <p>carried [1] - 45:7</p> <p>case [12] - 8:24, 29:19, 33:16, 38:1, 38:4, 49:11, 66:24, 70:3, 72:7, 80:7, 135:8, 160:9</p> <p>cases [3] - 7:20, 134:14, 137:21</p> <p>catch [2] - 44:7, 44:13</p> <p>categorize [1] - 64:14</p> <p>caught [3] - 32:23, 33:24, 172:3</p> <p>caveat [1] - 23:14</p> <p>caveats [1] - 117:1</p> <p>Center [2] - 27:2, 159:17</p> <p>CENTER [1] - 2:14</p> <p>certain [26] - 19:8, 25:6, 37:14, 47:4, 49:25, 74:22, 98:15, 101:9, 110:5, 120:10, 121:8, 121:18, 128:7, 129:19, 136:3, 136:4, 136:7, 136:9, 136:22, 137:8, 141:5, 141:12, 144:12, 145:24, 146:2, 151:18</p> <p>certainly [18] - 5:7, 6:23, 7:23, 43:1, 45:16, 48:6, 59:8, 62:13, 65:1, 69:10, 72:6, 74:13, 76:6, 103:22, 146:14, 149:12, 155:9, 166:19</p> <p>Certainly [1] - 76:20</p> <p>certificate [1] - 81:17</p> <p>Certified [1] - 153:4</p> <p>cetera [2] - 49:19, 52:4</p> <p>CFRD [1] - 153:3</p> <p>challenged [2] - 61:17</p> <p>chance [2] - 67:20, 96:3</p> <p>chances [1] - 137:20</p> <p>change [4] - 107:21, 108:13, 128:18, 134:3</p> <p>changed [2] - 39:21, 58:11</p> <p>changes [3] - 106:18, 118:3, 128:5</p> <p>changing [2] - 110:12, 154:20</p> <p>character [2] - 98:17, 136:19</p> <p>characterization [1] - 73:12</p> <p>charge [1] - 168:15</p> <p>charging [1] - 19:3</p> <p>Charney [1] - 3:18</p> <p>CHARNEY [2] - 2:16, 3:17</p> <p>chart [1] - 25:18</p> <p>charts [3] - 24:9, 71:7, 172:13</p> <p>chase [2] - 80:18, 135:6</p> <p>chauffeur [1] - 166:22</p> <p>check [7] - 112:12, 123:17, 123:19, 137:12, 139:17, 142:16, 146:15</p> <p>checks [5] - 99:7, 136:13, 136:15, 137:13, 145:16</p> <p>chief [11] - 11:25, 77:7, 77:8, 77:24, 151:6, 151:8, 153:17, 162:6, 163:14, 166:7, 169:23</p>	<p>Chief [14] - 150:5, 150:7, 150:21, 150:22, 151:10, 151:12, 151:13, 156:25, 157:6, 158:25, 160:8, 161:7, 163:6, 168:9</p> <p>choices [1] - 18:17</p> <p>chose [3] - 118:20, 130:10, 130:13</p> <p>Christopher [1] - 68:20</p> <p>Church [1] - 2:19</p> <p>CID [1] - 119:6</p> <p>Circuit [1] - 6:5</p> <p>circumstance [5] - 114:25, 135:7, 135:16, 135:17, 137:20</p> <p>circumstances [2] - 21:16, 27:1</p> <p>citizenship [1] - 81:17</p> <p>City [33] - 11:10, 12:4, 12:6, 22:3, 22:21, 37:20, 49:9, 52:1, 52:3, 60:15, 60:16, 60:17, 62:10, 63:7, 67:15, 69:20, 72:2, 72:14, 73:1, 79:22, 102:24, 108:3, 109:2, 109:6, 114:9, 131:19, 138:2, 150:19, 151:17, 154:22, 155:23, 162:2, 168:15</p> <p>city [39] - 4:23, 5:3, 6:7, 7:14, 7:25, 17:25, 19:8, 20:10, 20:12, 24:8, 25:7, 32:24, 36:4, 37:3, 39:13, 39:16, 42:17, 44:20, 46:7, 62:16, 62:25, 68:3, 134:23, 134:25, 136:12, 136:21, 136:25, 142:4, 142:9, 149:3, 155:8, 156:5, 162:15, 162:17, 165:24, 166:7, 166:8, 172:2</p> <p>CITY [5] - 1:14, 1:14, 1:15, 1:17, 2:18</p> <p>City's [7] - 52:13, 71:18, 72:22, 72:25, 74:1, 74:3, 74:4</p> <p>city's [7] - 5:9, 6:17, 7:19, 20:6, 20:12, 21:7, 50:22</p> <p>city-wide [1] - 62:25</p> <p>Citywide [1] - 90:11</p> <p>CITYWIDE [1] - 1:15</p> <p>citywide [2] - 18:17, 165:2</p> <p>Civil [5] - 2:2, 8:15, 89:24, 107:25, 127:8</p> <p>civil [2] - 86:10, 146:24</p> <p>claim [2] - 72:21, 143:24</p> <p>claimed [1] - 106:19</p> <p>clarification [2] - 116:23, 140:14</p> <p>clarified [1] - 110:4</p> <p>clarify [1] - 117:12</p> <p>class [152] - 1:9, 4:11, 8:3, 8:9, 16:2, 21:15, 25:13, 25:14, 27:25, 28:6, 28:9, 28:10, 28:11, 28:17, 28:19, 29:10, 29:14, 30:13, 31:13, 31:17, 31:20, 32:2, 32:14, 32:16, 32:17, 32:18, 33:10, 33:15, 33:16, 33:23, 34:13, 34:17, 34:18, 35:9, 35:17, 35:22, 36:1, 36:2, 36:7, 36:19, 37:7, 37:9, 37:18, 37:23, 38:18, 38:19, 38:21, 38:23, 39:1, 39:9, 40:1, 40:7, 40:11, 40:17, 41:5, 41:21, 42:10, 43:19, 44:1, 44:3, 44:10, 44:12, 48:20, 53:6, 53:19, 55:11, 55:19, 55:22, 56:5, 56:6, 56:9, 56:24, 57:4, 57:7, 57:11, 57:15, 58:13, 59:12, 59:15, 59:24, 60:2, 60:6, 60:8, 60:12, 61:15,</p>
C		
<p>Cadman [2] - 2:8, 2:23</p> <p>calculate [2] - 41:10, 134:7</p> <p>calculates [1] - 72:16</p> <p>calculation [1] - 61:14</p> <p>calculations [2] - 61:12, 61:13</p> <p>calendar [1] - 165:23</p> <p>California [1] - 99:1</p> <p>Candidate [1] - 112:19</p> <p>candidate [55] - 70:12, 71:20, 71:22, 71:23, 80:14, 80:20, 81:2, 81:3, 81:4, 81:9, 82:7, 82:11, 82:12, 82:17, 85:11, 85:15, 86:22, 90:3, 90:9, 90:10, 94:16, 98:21, 98:25, 99:3, 99:18, 99:21, 99:24, 100:8, 101:4, 101:8, 101:15, 102:16, 102:21, 103:4, 104:3, 106:12, 107:11, 107:15, 110:21, 110:22, 112:21, 113:5, 118:2, 118:11, 118:19, 118:20, 118:25, 119:2, 119:12, 119:24, 120:15, 122:7, 136:20, 138:17</p> <p>candidate's [10] - 83:11, 85:17, 98:17, 99:6, 100:9, 107:21, 120:12, 122:15, 125:12, 138:18</p> <p>candidates [107] - 8:10, 28:7, 57:2, 57:3, 70:5, 70:14, 70:15, 72:18, 74:5, 79:13, 81:13, 82:4, 83:5, 85:23, 86:1, 86:20, 86:24, 87:3, 87:5, 88:4, 88:5, 88:7, 88:24, 89:2, 89:6, 89:23, 91:19, 95:15, 96:10, 96:11, 96:20, 98:7, 98:8, 98:20, 98:23, 99:10, 100:14, 100:15, 102:10, 102:22, 103:21, 105:8, 106:1, 107:18, 108:12, 110:5, 111:18, 111:19, 113:7, 113:8, 113:20, 113:22, 113:23, 115:22, 116:5, 116:8, 117:24, 118:7, 118:10, 118:14, 120:5, 120:20, 120:22, 121:18, 121:24, 122:23, 123:5, 123:13, 124:13, 124:18, 124:23, 125:5, 125:9, 126:8, 126:10, 126:14, 126:16, 126:17, 126:23, 126:25, 127:3, 127:5, 127:17, 127:20, 127:23, 128:3, 128:8, 128:11, 128:12, 128:15, 128:17, 133:4, 133:7, 134:6, 136:8, 136:13, 136:15, 137:1, 138:20, 138:21, 138:23, 138:24, 141:10, 142:18, 143:23, 144:5</p> <p>CANDIDO [1] - 1:8</p> <p>cannot [5] - 99:5, 110:25, 131:2, 131:15, 136:5</p> <p>capable [3] - 65:21, 124:4, 141:15</p>		

66:12, 67:12, 72:6, 72:17, 73:20, 85:21, 86:21, 88:5, 88:9, 90:6, 90:7, 91:1, 92:16, 92:17, 92:18, 92:21, 93:14, 113:8, 114:9, 114:10, 114:12, 114:13, 114:14, 114:17, 115:23, 115:25, 116:12, 120:17, 120:25, 121:1, 122:16, 122:18, 123:3, 123:20, 123:24, 124:4, 124:8, 124:10, 124:13, 125:15, 125:22, 126:4, 126:24, 133:7, 138:7, 138:20, 139:1, 151:24, 153:7, 154:19, 158:1, 161:19, 161:24, 162:4, 162:10, 162:19, 163:3, 163:4, 171:20, 172:18 classes [40] - 15:20, 26:2, 30:16, 31:12, 32:14, 33:3, 33:4, 34:1, 35:4, 39:2, 39:4, 39:14, 44:6, 44:8, 48:21, 53:19, 55:2, 56:15, 58:9, 58:11, 58:17, 60:12, 60:19, 66:21, 67:9, 83:6, 93:11, 125:24, 136:4, 138:13, 157:10, 160:3, 160:7, 160:9, 160:23, 168:22, 168:23, 169:5 clear [7] - 5:2, 82:6, 99:21, 114:22, 115:6, 118:5, 133:4 clerk [1] - 10:11 close [18] - 21:8, 21:11, 21:18, 22:24, 25:1, 36:11, 50:3, 50:6, 50:8, 53:23, 63:16, 63:19, 63:20, 74:1, 155:24, 156:17, 159:17 closed [7] - 21:6, 21:9, 21:10, 27:23, 30:4, 155:6, 155:7 closely [1] - 30:21 closer [2] - 30:7, 101:20 closest [1] - 47:9 closing [18] - 19:13, 22:2, 22:16, 25:17, 31:16, 37:1, 39:19, 49:25, 51:11, 51:12, 52:14, 62:11, 63:5, 154:19, 155:20, 155:22, 156:10, 162:1 closings [1] - 155:1 clothing [1] - 41:18 club [1] - 104:13 Club [3] - 100:21, 104:15, 104:16 colder [1] - 152:23 collecting [1] - 155:4 collective [1] - 49:19 collectively [1] - 60:16 college [4] - 139:24, 144:15, 144:24, 146:9 column [16] - 25:19, 32:7, 32:8, 54:22, 55:7, 93:3, 93:5, 93:8, 96:8, 105:17, 105:18, 105:24, 105:25 columns [2] - 35:13, 48:22 comfortable [1] - 76:6 coming [14] - 14:10, 17:7, 21:6, 23:21, 51:20, 52:6, 55:15, 55:18, 61:23, 65:22, 148:15, 169:23, 172:1 Commander [1] - 151:9 commands [1] - 151:14 comment [1] - 5:25 comments [5] - 6:14, 7:2, 7:11, 7:13, 8:23 Commission [1] - 127:8	COMMISSIONER [1] - 1:17 Commissioner [15] - 10:7, 11:12, 11:15, 12:16, 28:11, 37:21, 38:20, 59:6, 59:12, 68:15, 76:3, 80:5, 109:13, 163:4, 168:14 commissioner [12] - 62:10, 63:18, 64:18, 64:19, 64:20, 67:22, 76:4, 77:23, 141:3, 148:15, 148:20, 161:24 Commissioner's [1] - 12:15 commit [1] - 5:16 common [3] - 4:11, 5:22, 5:23 commonplace [1] - 137:23 communication [1] - 4:9 communications [2] - 167:4, 167:16 community [1] - 156:5 companies [63] - 15:1, 15:13, 19:13, 19:14, 19:19, 19:24, 20:3, 20:7, 20:17, 21:6, 21:8, 21:9, 21:10, 21:11, 21:12, 22:2, 22:4, 25:9, 25:17, 27:22, 28:3, 28:4, 31:16, 36:12, 36:14, 37:1, 39:19, 40:10, 46:23, 49:25, 50:3, 50:6, 50:8, 50:9, 50:10, 50:21, 51:9, 51:12, 51:13, 51:15, 52:10, 52:11, 52:12, 52:14, 52:22, 53:22, 53:23, 61:10, 62:2, 62:5, 62:11, 63:19, 63:21, 64:15, 135:1, 154:2, 156:17, 156:19, 162:1, 165:19 companies' [1] - 153:1 company [10] - 14:22, 19:25, 25:9, 64:10, 154:4, 154:25, 155:24, 155:25, 156:10, 156:11 compare [3] - 24:21, 35:18, 35:19 compared [2] - 17:2, 24:24 competitive [8] - 83:8, 83:9, 86:16, 86:20, 86:25, 90:17, 93:2, 93:3 complete [5] - 80:20, 85:18, 93:23, 124:17, 125:4 completed [8] - 57:16, 82:4, 85:15, 114:10, 123:17, 123:19, 124:7, 124:14 completely [2] - 42:6, 168:6 completeness [3] - 81:15, 83:19, 83:22 completes [2] - 82:10, 82:17 completing [2] - 119:20, 120:2 compliance [1] - 6:8 comply [1] - 99:4 composed [1] - 85:22 composition [1] - 131:13 compress [1] - 103:19 comprise [1] - 92:16 comprised [3] - 89:23, 131:11, 165:22 Computer [1] - 2:25 Computer-Assisted [1] - 2:25 concern [7] - 7:19, 36:5, 49:23, 53:6, 97:25, 155:11, 155:12 concerned [4] - 8:11, 46:17, 98:6, 141:17 concerning [3] - 16:9, 42:19, 85:21 concerns [18] - 20:10, 31:24, 42:5, 59:19, 72:13, 72:24, 73:3, 83:1, 97:9, 151:19, 151:20, 152:1, 153:9, 154:18,	154:19, 154:21, 155:20, 162:1 concluded [1] - 61:20 concurrently [1] - 130:3 concurs [1] - 40:11 condition [14] - 25:5, 25:16, 30:9, 31:3, 31:14, 32:19, 34:4, 35:3, 35:5, 35:6, 35:8, 44:4, 79:10, 99:25 conditionally [1] - 97:17 conditioning [1] - 122:10 conditions [7] - 7:21, 17:25, 35:17, 63:19, 97:13, 97:14, 161:12 conduct [3] - 153:17, 154:4, 156:15 conducted [2] - 100:6, 153:14 confer [2] - 92:3, 92:6 conference [7] - 6:15, 7:3, 68:18, 80:11, 83:2, 85:20, 167:21 confident [1] - 115:7 confidential [3] - 84:11, 84:21, 95:24 confidentiality [1] - 108:15 confines [1] - 156:12 confirmation [1] - 101:5 confirming [1] - 112:21 confronted [1] - 45:8 confronting [1] - 60:20 conjecture [1] - 131:24 connection [1] - 161:10 consider [6] - 15:24, 20:19, 41:23, 59:8, 152:15, 155:10 consideration [14] - 37:24, 44:21, 45:16, 46:4, 83:6, 89:7, 90:18, 99:20, 126:11, 126:17, 126:23, 138:15, 138:16, 139:4 considerations [3] - 8:23, 31:2, 94:24 considered [9] - 80:14, 86:20, 86:23, 89:9, 91:5, 93:13, 122:16, 124:9, 133:10 considering [3] - 16:8, 79:21, 123:4 consistent [2] - 48:24, 48:25 consistently [1] - 63:4 CONSTITUTUIONAL [1] - 2:15 constraints [2] - 16:5, 35:7 consulted [1] - 163:3 CONT'D [1] - 133:1 Cont.'d [1] - 88:1 contact [1] - 4:15 contains [3] - 79:19, 103:11, 104:6 context [4] - 6:13, 63:2, 105:13, 109:14 continually [1] - 127:21 continue [7] - 4:13, 4:14, 9:18, 46:14, 63:24, 89:10, 128:16 continued [5] - 30:12, 47:14, 114:11, 114:13, 149:23 Continued [4] - 48:9, 75:10, 87:7, 132:4 continues [1] - 115:3 continuing [3] - 9:7, 124:24, 160:5 contractual [1] - 12:1 contractually [3] - 13:16, 14:22, 19:15
---	--	--

<p>control [5] - 15:21, 16:3, 112:17, 164:24, 168:13</p> <p>convene [1] - 171:19</p> <p>convened [1] - 114:18</p> <p>conversation [1] - 77:11</p> <p>conviction [2] - 142:21, 145:20</p> <p>convictions [1] - 98:23</p> <p>cooperative [1] - 137:21</p> <p>copies [1] - 81:15</p> <p>copy [2] - 9:25, 142:21</p> <p>corner [1] - 139:3</p> <p>Corporation [2] - 2:18, 2:21</p> <p>correct [115] - 13:10, 15:9, 15:11, 15:17, 17:23, 19:20, 22:11, 22:17, 22:25, 25:21, 26:10, 27:12, 29:3, 29:25, 30:3, 30:6, 30:14, 31:23, 37:11, 39:17, 39:24, 41:1, 41:3, 52:18, 54:25, 55:5, 55:6, 55:20, 55:24, 57:18, 58:12, 59:14, 59:21, 60:21, 61:24, 80:22, 82:9, 82:16, 83:14, 85:25, 86:12, 88:10, 88:21, 89:1, 89:13, 90:8, 90:21, 91:2, 91:13, 91:14, 92:24, 93:1, 94:14, 94:18, 95:6, 95:21, 96:16, 96:24, 101:1, 101:13, 102:18, 106:10, 106:15, 106:17, 107:8, 107:18, 107:22, 108:1, 108:7, 110:9, 111:15, 111:23, 113:12, 116:10, 117:14, 118:12, 118:16, 119:7, 119:10, 119:15, 119:16, 119:21, 120:3, 120:4, 121:5, 121:10, 121:15, 121:22, 124:14, 125:10, 125:11, 125:13, 125:14, 125:22, 125:23, 130:5, 130:16, 135:14, 141:8, 142:5, 145:24, 146:12, 155:19, 157:8, 158:23, 162:9, 162:16, 162:25, 163:9, 164:7, 164:16, 164:20, 165:3, 167:14, 170:23</p> <p>Correct [10] - 54:19, 57:1, 59:22, 60:7, 61:11, 66:13, 66:18, 89:16, 118:13, 119:11</p> <p>Corrections [1] - 18:5</p> <p>correctly [1] - 164:17</p> <p>cost [33] - 14:8, 25:7, 32:1, 32:23, 33:4, 33:23, 34:5, 36:4, 38:16, 39:6, 39:11, 39:15, 39:22, 40:23, 41:4, 41:15, 41:19, 44:20, 45:15, 53:8, 54:24, 56:2, 56:20, 56:24, 57:2, 57:11, 57:13, 61:6, 64:23, 73:23, 161:18, 162:15, 162:20</p> <p>cost-wise [1] - 25:7</p> <p>costing [1] - 53:14</p> <p>costs [38] - 5:20, 7:12, 7:13, 14:7, 14:11, 17:1, 21:19, 25:4, 25:24, 26:7, 28:11, 33:1, 33:6, 33:10, 34:3, 34:19, 34:20, 35:25, 36:1, 36:24, 38:25, 39:5, 39:11, 40:20, 41:9, 41:10, 41:25, 42:2, 43:25, 44:15, 45:17, 46:6, 60:25, 61:1, 61:4</p> <p>council [1] - 19:9</p> <p>Council [3] - 22:3, 22:21, 162:2</p> <p>Counsel [5] - 2:18, 52:1, 62:10, 63:7, 92:3</p> <p>counsel [4] - 42:18, 63:13, 69:12, 92:6</p>	<p>counsel's [1] - 73:12</p> <p>Counsels [1] - 2:21</p> <p>count [30] - 14:5, 21:16, 21:21, 24:21, 25:23, 26:4, 26:9, 29:3, 30:2, 30:5, 31:21, 44:5, 44:6, 44:13, 48:15, 49:11, 61:7, 116:21, 117:2, 147:1, 147:4, 161:15, 161:16, 162:3, 162:4, 162:15, 166:9, 166:13, 168:11</p> <p>counting [1] - 14:11</p> <p>country [2] - 90:25, 143:6</p> <p>counts [1] - 64:12</p> <p>couple [11] - 36:25, 53:18, 54:8, 56:12, 58:13, 66:22, 76:5, 77:20, 118:19, 139:6, 143:20</p> <p>course [7] - 22:20, 42:25, 43:9, 57:17, 102:17, 104:21, 135:12</p> <p>COURT [316] - 1:1, 3:1, 3:6, 4:4, 4:6, 6:1, 6:9, 7:9, 9:8, 9:10, 9:12, 9:20, 9:23, 10:1, 10:4, 10:9, 10:15, 10:18, 10:22, 11:1, 11:3, 13:9, 13:11, 21:25, 22:10, 22:12, 23:4, 23:13, 23:17, 23:24, 24:1, 24:3, 24:7, 24:14, 28:12, 28:15, 28:17, 28:21, 28:23, 29:7, 29:9, 30:24, 31:7, 33:8, 33:11, 37:6, 37:9, 37:12, 37:16, 37:24, 38:8, 39:13, 39:23, 39:25, 40:4, 40:16, 40:18, 40:21, 42:9, 42:22, 43:1, 43:4, 43:8, 43:10, 43:13, 45:14, 45:25, 46:14, 48:1, 48:7, 50:4, 50:12, 50:16, 50:25, 51:2, 52:15, 52:19, 52:25, 54:3, 54:5, 54:9, 57:24, 59:5, 62:21, 62:23, 64:17, 65:8, 66:7, 67:1, 67:4, 67:7, 67:15, 67:17, 68:8, 68:12, 68:19, 68:22, 69:14, 69:25, 70:7, 70:17, 72:8, 73:10, 73:15, 73:18, 74:16, 74:19, 74:25, 75:3, 75:6, 76:1, 76:4, 76:8, 76:11, 76:15, 76:22, 76:25, 77:4, 77:12, 77:22, 78:2, 78:5, 78:7, 78:10, 78:12, 78:16, 78:23, 79:7, 79:9, 79:23, 80:1, 81:25, 82:23, 83:18, 83:20, 83:25, 84:5, 84:7, 84:9, 84:19, 84:22, 88:11, 88:15, 88:19, 88:22, 90:19, 90:22, 91:3, 91:6, 91:10, 92:4, 92:7, 92:9, 92:11, 94:22, 95:2, 95:8, 95:10, 95:12, 95:18, 95:22, 95:25, 96:5, 97:3, 97:5, 97:10, 97:16, 97:19, 98:1, 98:3, 98:5, 103:9, 103:16, 104:1, 104:9, 104:11, 104:16, 104:19, 105:2, 106:19, 106:22, 107:1, 107:3, 107:9, 107:14, 107:23, 108:2, 108:9, 108:21, 109:5, 109:12, 109:18, 109:22, 110:10, 110:14, 110:16, 111:2, 111:4, 112:4, 112:15, 112:18, 112:23, 113:1, 114:3, 114:8, 114:17, 114:21, 115:5, 115:9, 115:14, 115:16, 120:10, 121:2, 121:7, 121:12, 121:16, 122:1, 122:5, 122:7, 122:12, 122:19, 123:7, 123:16, 123:23, 124:6, 124:9, 124:11, 127:11, 127:13, 129:9, 129:15, 131:1, 131:18, 131:24, 135:6, 135:21, 135:23, 136:14, 136:16, 137:3, 137:6, 138:4, 139:8, 139:11, 140:8, 140:11, 141:3, 141:24, 143:20,</p>	<p>144:8, 144:11, 144:18, 144:20, 145:7, 145:10, 145:12, 147:19, 147:21, 148:7, 148:9, 148:12, 148:15, 148:17, 148:20, 148:23, 149:6, 149:9, 149:12, 149:16, 149:19, 150:1, 150:3, 150:10, 150:14, 156:23, 157:2, 158:6, 158:18, 158:22, 158:24, 159:7, 161:2, 161:4, 162:6, 162:10, 162:13, 162:17, 163:1, 163:5, 163:10, 165:13, 166:1, 166:6, 168:3, 168:13, 168:22, 169:5, 169:9, 169:13, 169:16, 169:18, 169:21, 169:23, 170:3, 170:5, 170:7, 170:10, 170:16, 170:20, 170:22, 171:1, 171:17, 171:24, 172:6, 172:10, 172:12</p> <p>Court [34] - 2:22, 7:14, 8:22, 9:15, 12:4, 53:4, 65:15, 67:18, 67:25, 68:2, 70:20, 71:2, 73:19, 73:24, 76:16, 79:21, 80:6, 80:10, 83:1, 85:9, 87:2, 96:9, 97:21, 98:6, 103:13, 109:1, 109:13, 109:15, 141:13, 143:21, 151:25, 169:24, 169:25</p> <p>court [2] - 7:19, 8:23</p> <p>Court's [7] - 8:14, 38:13, 40:25, 46:4, 76:2, 85:20, 150:5</p> <p>Courthouse [1] - 1:12</p> <p>courtroom [1] - 148:22</p> <p>cover [1] - 21:19</p> <p>covered [2] - 66:20, 170:15</p> <p>covering [1] - 13:5</p> <p>CPAT [31] - 100:9, 100:22, 102:13, 102:22, 103:12, 104:3, 118:19, 118:22, 120:6, 120:8, 120:9, 120:13, 120:15, 120:18, 120:21, 120:22, 121:13, 121:17, 121:24, 121:25, 122:8, 122:17, 122:20, 122:24, 123:14, 129:5, 138:19, 143:14, 143:15</p> <p>create [7] - 64:22, 100:14, 104:20, 152:9, 152:12, 159:22, 160:10</p> <p>created [5] - 69:10, 69:18, 74:21, 159:19, 166:17</p> <p>creates [1] - 41:14</p> <p>creating [6] - 12:18, 31:3, 33:10, 38:25, 46:9, 69:9</p> <p>creation [1] - 134:5</p> <p>credit [6] - 107:7, 107:11, 107:16, 107:24, 108:6, 111:12</p> <p>credits [3] - 107:19, 144:15, 146:11</p> <p>criminal [3] - 139:16, 142:15, 143:10</p> <p>crisis [1] - 161:25</p> <p>critical [1] - 46:3</p> <p>critiquing [1] - 164:2</p> <p>CROSS [13] - 54:10, 58:1, 115:17, 127:14, 133:1, 157:4, 161:5, 173:8, 173:10, 173:16, 173:18, 174:1, 174:3</p> <p>cross [3] - 59:10, 65:2, 157:2</p> <p>CROSS-EXAMINATION [11] - 54:10, 58:1, 115:17, 127:14, 133:1, 157:4, 173:8, 173:10, 173:16, 173:18, 174:1</p> <p>cross-examination [3] - 59:10, 65:2, 157:2</p>
---	---	---

<p>crunch [1] - 31:6 crunching [1] - 31:5 cry [1] - 46:8 CSR [1] - 2:22 cumulative [1] - 44:18 current [20] - 26:8, 40:8, 41:19, 61:10, 69:22, 74:14, 74:21, 83:12, 83:13, 85:11, 94:6, 116:16, 144:13, 151:11, 152:7, 152:19, 153:8, 153:21, 154:21, 167:16 curriculum [1] - 59:2 cushion [1] - 162:22 cut [6] - 50:8, 50:19, 80:18, 135:6, 138:23, 139:2 cuts [1] - 37:13 cycle [1] - 47:9</p>	<p>declaration [2] - 69:9, 74:20 decrease [1] - 61:9 decreased [2] - 30:1, 167:1 decreasing [3] - 153:22, 153:25, 161:18 deemed [1] - 126:8 deeply [1] - 8:11 defendant [2] - 71:14, 79:24 Defendant [1] - 2:18 Defendant's [22] - 10:25, 23:3, 24:16, 24:18, 26:16, 27:19, 31:9, 34:24, 38:9, 42:3, 48:11, 79:12, 82:1, 82:24, 84:8, 85:14, 102:20, 105:18, 174:17, 174:19, 174:20, 174:21 defendant's [1] - 79:15 Defendants [1] - 1:20 defendants [2] - 4:1, 4:3 defense [1] - 150:5 deferring [2] - 34:20, 34:21 Defibrillator [1] - 153:4 definitely [4] - 9:16, 9:17, 123:2, 171:8 degree [3] - 6:21, 69:10, 166:23 delay [14] - 5:1, 5:24, 32:5, 32:13, 32:19, 33:18, 33:23, 36:6, 53:19, 61:14, 159:2, 160:2 delayed [10] - 32:2, 32:19, 33:3, 33:4, 33:16, 35:5, 38:16, 47:12, 55:21, 160:22 delaying [13] - 33:6, 33:9, 33:15, 33:25, 36:1, 36:2, 38:16, 43:19, 44:1, 44:3, 55:11, 55:16, 157:9 delays [2] - 31:11, 47:11 delivers [1] - 52:1 demonstrates [2] - 27:14, 108:25 department [42] - 48:23, 77:8, 77:24, 96:15, 98:12, 99:11, 100:13, 101:25, 102:2, 102:8, 103:7, 104:22, 105:12, 110:19, 111:9, 112:24, 117:4, 118:1, 124:12, 125:24, 126:4, 126:9, 128:5, 128:9, 129:24, 136:25, 139:22, 139:23, 146:16, 153:23, 153:24, 154:11, 157:12, 158:5, 158:13, 158:17, 159:13, 160:20, 161:18, 161:20, 163:7, 163:19 DEPARTMENT [4] - 1:14, 1:15, 2:2, 2:18 Department [66] - 5:4, 7:18, 8:13, 10:8, 11:10, 11:20, 12:1, 12:10, 12:12, 12:13, 12:19, 12:22, 12:24, 14:11, 16:18, 17:4, 18:5, 18:6, 18:7, 37:4, 45:1, 46:18, 50:17, 56:17, 58:5, 58:17, 59:13, 59:15, 61:23, 61:24, 62:1, 62:6, 63:2, 65:11, 65:19, 73:25, 90:11, 102:24, 128:10, 134:5, 135:3, 136:2, 137:14, 137:15, 138:12, 140:1, 142:7, 142:12, 142:13, 142:14, 142:24, 150:6, 150:19, 150:24, 151:2, 154:1, 154:23, 158:9, 161:7, 162:23, 166:9, 166:15, 167:5, 168:16 department's [4] - 99:3, 110:6, 117:19, 118:6</p>	<p>Department's [5] - 11:17, 19:1, 49:15, 52:11, 63:15 departments [1] - 142:9 dependent [1] - 110:22 deputy [1] - 151:7 Deputy [1] - 68:15 derogatory [1] - 113:23 design [1] - 148:2 desire [1] - 107:21 detail [6] - 105:6, 106:7, 110:2, 111:17, 141:7, 151:1 detailed [2] - 159:18, 165:24 details [1] - 141:16 determination [2] - 36:6, 71:19 determinations [1] - 14:19 determine [7] - 15:19, 73:19, 90:14, 98:21, 108:24, 120:18 determined [2] - 120:17, 144:5 determines [1] - 110:19 determining [2] - 37:13, 110:16 developed [1] - 145:7 development [2] - 170:25, 172:4 difference [5] - 17:9, 53:11, 69:21, 70:12, 71:15 differences [2] - 117:22, 117:24 different [21] - 12:25, 14:14, 15:13, 21:20, 35:1, 42:23, 47:11, 53:2, 61:21, 86:13, 89:15, 92:25, 102:5, 112:8, 116:24, 131:11, 133:23, 155:10, 160:18, 165:15, 171:12 difficult [3] - 19:2, 46:24, 47:4 diploma [2] - 144:18, 144:23 dire [1] - 84:1 DIRECT [9] - 11:5, 48:9, 78:19, 80:3, 88:1, 150:16, 173:6, 173:14, 173:24 direct [2] - 18:25, 19:1 directly [4] - 99:11, 101:25, 102:2, 111:9 disability [3] - 26:24, 26:25, 27:3 disaster [1] - 21:7 discharged [1] - 114:1 discipline [1] - 160:16 disciplined [1] - 144:1 disclose [4] - 85:12, 118:2, 118:21 disclosed [2] - 98:20, 118:7 disclosure [1] - 84:15 discontinued [1] - 89:8 discovery [1] - 109:6 discrepancies [3] - 98:22, 118:4, 143:24 discrete [1] - 109:19 discriminatory [1] - 72:22 discuss [6] - 48:3, 65:18, 109:3, 109:8, 171:19, 172:13 discussed [5] - 5:11, 5:15, 5:18, 171:9, 172:2 discussion [9] - 5:13, 6:24, 31:1, 38:5, 65:1, 155:15, 155:16, 161:23, 161:25 discussions [11] - 4:10, 4:13, 4:15,</p>
D		
<p>daily [3] - 46:25, 53:21, 153:13 DANA [1] - 2:13 Dana [1] - 3:15 dangerous [1] - 31:3 Darius [1] - 3:17 DARIUS [1] - 2:16 data [14] - 23:18, 23:21, 24:9, 69:3, 70:11, 72:18, 108:19, 108:22, 108:23, 108:25, 109:1, 109:6, 155:4 database [4] - 117:10, 117:11, 117:13, 117:16 databases [1] - 24:20 date [8] - 9:12, 31:18, 55:9, 59:25, 73:7, 74:22, 157:18, 167:8 day-to-day [1] - 155:8 days [6] - 12:25, 56:12, 125:18, 126:20, 137:19, 139:21 DC [1] - 2:4 DCAS [22] - 47:13, 90:11, 90:14, 93:24, 110:4, 110:8, 110:10, 110:24, 111:1, 111:8, 111:10, 111:12, 117:21, 118:23, 120:15, 120:20, 120:22, 122:12, 129:16, 137:13, 148:2 DD [3] - 106:23, 106:25, 107:12 deal [7] - 38:3, 67:19, 70:4, 155:6, 155:17, 172:18, 172:19 dealing [4] - 56:20, 133:13, 133:14, 171:12 deals [1] - 6:22 death [1] - 27:5 December [7] - 32:5, 36:2, 49:9, 59:16, 59:20, 59:23, 60:6 decide [2] - 103:13, 103:18 decided [1] - 39:13 decimals [1] - 95:5 decision [12] - 37:25, 39:18, 39:20, 39:23, 40:16, 40:19, 43:12, 61:9, 161:10, 161:19, 161:21, 167:19 decisions [6] - 52:16, 60:15, 60:17, 60:25, 66:21, 66:23</p>		

5:18, 6:23, 37:20, 38:7, 43:23, 155:11, 155:12, 161:13
dishonorably [1] - 114:1
disparate [2] - 38:1, 71:15
dispatch [1] - 167:2
dispatcher [4] - 167:5, 167:11, 167:19, 167:21
disposition [1] - 142:22
dispositions [5] - 98:24, 99:2, 99:4, 99:6, 113:5
dispute [2] - 71:25, 104:4
disputes [1] - 71:13
disputing [1] - 104:7
disqualification [1] - 127:7
disqualifications [2] - 70:21, 70:22
disqualified [5] - 70:5, 71:1, 119:17, 126:10, 126:15
disqualify [3] - 99:20, 126:16, 144:5
distinction [1] - 91:9
distributed [1] - 96:7
district [1] - 156:11
DISTRICT [2] - 1:1, 1:1
District [2] - 1:24, 2:7
districts [1] - 156:17
diverse [1] - 131:16
dividing [1] - 57:10
Division [4] - 2:2, 112:20, 127:22
division [1] - 129:23
doable [2] - 140:2, 140:3
doctor [2] - 68:21, 100:2
document [20] - 48:13, 49:13, 69:9, 69:13, 79:13, 79:15, 79:18, 85:10, 90:14, 92:8, 99:12, 102:23, 104:2, 104:6, 104:21, 108:19, 115:21, 117:11, 128:4, 166:7
documentation [4] - 100:3, 110:20, 110:23
documents [13] - 81:6, 81:16, 81:18, 91:25, 93:24, 99:4, 101:18, 101:22, 101:24, 119:13, 119:14, 133:20
dollar [1] - 53:10
dollars [1] - 154:25
domino [1] - 156:4
DONAY [2] - 76:9, 76:13
Donay [1] - 76:13
done [17] - 35:21, 38:3, 38:17, 54:1, 93:12, 96:14, 100:6, 107:11, 114:14, 116:21, 121:1, 124:17, 125:4, 139:17, 142:1, 163:19, 170:15
doubled [1] - 157:21
doubling [1] - 160:7
doubt [1] - 66:4
down [39] - 18:14, 25:15, 25:18, 25:19, 30:10, 32:8, 32:10, 32:25, 35:4, 36:3, 37:18, 40:22, 45:5, 46:21, 46:23, 48:17, 58:11, 58:14, 65:19, 83:15, 85:2, 85:3, 85:4, 96:8, 105:17, 118:3, 124:3, 127:21, 135:18, 148:17, 152:5, 152:21, 164:15, 164:16, 167:24, 168:10, 169:1, 170:4

Dr [4] - 68:23, 69:6, 69:23, 72:16
draw [10] - 23:2, 26:16, 27:19, 29:1, 29:17, 49:20, 51:16, 80:9, 82:2, 83:3
drawing [1] - 28:1
drilling [1] - 164:2
drills [4] - 153:13, 153:15, 153:16, 154:5
DRISCOLL [1] - 2:22
driver's [1] - 81:18
driving [3] - 34:3, 160:12, 167:1
drop [2] - 56:13, 61:7
dropped [1] - 72:20
dual [2] - 6:16, 72:24
due [6] - 50:6, 65:17, 143:24, 154:13, 154:14, 172:1
duly [3] - 10:12, 76:10, 150:8
duration [2] - 58:10, 58:11
During [2] - 81:11, 81:13
during [20] - 6:14, 7:2, 22:19, 25:11, 38:13, 63:13, 68:17, 80:10, 83:1, 85:20, 88:4, 91:1, 100:24, 113:24, 125:18, 128:6, 145:25, 154:5, 161:9, 166:16
duties [3] - 11:15, 68:4, 151:12
duty [9] - 16:14, 64:2, 64:3, 94:8, 95:20, 100:5, 154:5, 169:2

E

early [4] - 29:11, 46:9, 51:22, 91:15
earn [2] - 17:9, 44:23
easily [2] - 21:19, 73:6
East [3] - 2:8, 2:23, 151:5
EASTERN [1] - 1:1
Eastern [1] - 2:7
easy [1] - 8:16
economic [1] - 53:11
economy [1] - 52:4
edition [1] - 79:14
educated [1] - 131:25
Education [1] - 18:7
education [3] - 144:14, 145:23, 146:8
educational [11] - 98:19, 99:7, 99:9, 99:14, 101:12, 101:21, 102:1, 112:11, 113:4, 134:22, 145:3
effect [10] - 40:2, 60:24, 61:1, 138:16, 138:17, 156:4, 157:9, 166:21, 166:24
effective [6] - 15:21, 20:6, 50:2, 52:12, 63:11, 63:16
efficacy [1] - 7:18
efficiency [2] - 34:7, 156:19
effort [1] - 121:20
efforts [2] - 6:2, 135:17
eight [4] - 91:19, 100:10, 104:3, 104:8
eight-week [1] - 104:8
eighth [1] - 85:3
Eighth [2] - 2:11, 151:7
either [12] - 19:13, 53:22, 73:21, 77:7, 89:8, 109:2, 118:20, 121:11, 127:23, 146:10, 162:22, 165:19

either/or [1] - 146:10
elements [1] - 155:14
eleven [1] - 159:19
eligibility [7] - 47:9, 81:17, 85:22, 115:23, 116:2, 116:17, 117:20
eligible [15] - 42:15, 42:16, 44:23, 89:7, 90:4, 90:15, 95:4, 95:16, 96:21, 102:9, 133:5, 133:6, 153:20, 154:15, 160:11
eligibles [5] - 86:4, 89:24, 92:18, 93:13, 95:15
eliminate [7] - 17:16, 17:17, 18:19, 49:8, 154:24, 168:24, 169:4
eliminated [1] - 160:5
elimination [2] - 52:9, 52:10
Elliot [1] - 3:11
ELLIOT [1] - 2:9
emergencies [1] - 137:8
emergency [6] - 86:5, 86:6, 129:23, 135:16, 160:18, 164:9
emphasize [1] - 136:11
employ [2] - 130:6, 145:16
employed [6] - 11:9, 12:6, 138:1, 143:25, 145:17, 150:18
employee [2] - 143:3, 146:20
employees [3] - 47:3, 129:23, 134:25
employer [14] - 99:14, 101:11, 101:25, 121:16, 121:23, 134:10, 134:18, 134:19, 134:22, 137:18, 137:21, 139:22, 140:14, 140:17
employers [7] - 98:19, 99:8, 99:9, 113:3, 139:15, 139:18, 140:13
Employment [1] - 2:3
employment [12] - 12:4, 81:17, 86:24, 130:11, 130:12, 143:24, 144:16, 144:24, 146:1, 146:5, 146:11, 146:15
EMS [2] - 133:24, 133:25
EMT [11] - 86:11, 86:17, 86:22, 86:23, 129:20, 131:4, 131:13, 145:15, 145:18, 146:1, 146:2
EMTs [9] - 88:16, 111:21, 130:19, 131:7, 131:12, 132:1, 145:17, 145:22, 147:25
end [13] - 27:23, 27:24, 32:25, 40:7, 73:1, 103:6, 103:21, 111:12, 113:20, 114:7, 125:8, 172:25
endeavor [1] - 19:2
ends [2] - 22:8
energy [1] - 121:20
enforce [2] - 8:15, 98:12
enforcement [1] - 142:25
engage [1] - 37:12
engine [18] - 13:3, 14:25, 19:24, 19:25, 20:2, 20:3, 20:7, 20:17, 20:22, 20:23, 25:8, 36:12, 46:23, 52:10, 61:9, 62:2, 62:4, 153:1
Engine [2] - 151:4
enhancements [1] - 49:17
ensure [5] - 100:13, 101:24, 136:25, 151:16, 158:15

<p>enter [2] - 90:6, 90:7</p> <p>entered [4] - 117:9, 117:13, 117:16, 168:11</p> <p>enterprise [1] - 137:9</p> <p>enters [2] - 33:12, 57:15</p> <p>entitled [1] - 79:13</p> <p>entry [3] - 54:17, 86:11, 86:14</p> <p>equal [1] - 158:7</p> <p>equalize [1] - 158:12</p> <p>equalized [3] - 158:15, 158:17, 164:25</p> <p>equalizing [1] - 165:2</p> <p>equipment [3] - 41:18, 102:12</p> <p>equipped [1] - 153:3</p> <p>equitable [1] - 5:8</p> <p>equivalent [1] - 20:17</p> <p>eradicate [1] - 168:6</p> <p>Erath [3] - 68:20, 68:23, 69:7</p> <p>Erath's [1] - 69:23</p> <p>ESQ [10] - 2:4, 2:5, 2:5, 2:9, 2:13, 2:13, 2:15, 2:16, 2:20, 2:20</p> <p>essence [3] - 94:4, 111:11, 147:4</p> <p>essential [1] - 58:24</p> <p>essentially [4] - 34:6, 55:3, 57:10, 159:25</p> <p>establish [2] - 35:18, 79:22</p> <p>established [3] - 41:13, 46:13, 58:19</p> <p>estimate [2] - 131:24, 168:21</p> <p>estimating [1] - 53:16</p> <p>et [2] - 49:19, 52:4</p> <p>etc [3] - 36:3, 47:13</p> <p>ethnicity [5] - 82:15, 85:16, 85:17, 92:17, 117:25</p> <p>evening [1] - 50:20</p> <p>evenly [1] - 158:9</p> <p>event [4] - 22:2, 159:16, 164:8</p> <p>eventually [2] - 21:23, 34:18</p> <p>evidence [18] - 6:17, 24:17, 71:24, 74:3, 74:9, 81:25, 82:1, 82:23, 82:24, 84:7, 84:8, 95:8, 95:12, 96:6, 97:3, 97:17, 112:6, 138:25</p> <p>exacerbated [1] - 40:12</p> <p>exact [4] - 39:4, 58:6, 111:1, 167:8</p> <p>exactly [6] - 77:6, 84:16, 86:15, 91:13, 109:17, 124:16</p> <p>Exam [1] - 70:6</p> <p>exam [70] - 42:14, 83:8, 83:9, 85:22, 86:5, 86:7, 86:10, 86:14, 86:15, 86:17, 86:23, 86:25, 88:8, 88:23, 89:24, 93:20, 93:21, 93:25, 94:2, 94:6, 94:8, 94:11, 94:12, 97:7, 97:8, 97:9, 99:17, 100:12, 100:14, 100:22, 102:3, 102:4, 107:25, 108:8, 111:19, 112:5, 113:18, 114:6, 115:23, 116:8, 117:25, 118:1, 120:13, 120:21, 121:6, 128:13, 128:24, 129:5, 129:6, 129:15, 129:18, 130:2, 130:13, 130:14, 130:20, 132:2, 133:12, 146:14, 146:18, 146:22, 147:9, 147:10, 147:14, 147:16, 147:25, 148:2</p> <p>EXAMINATION [24] - 11:5, 48:9, 54:10, 58:1, 78:19, 80:3, 88:1, 115:17, 127:14,</p>	<p>133:1, 147:22, 150:16, 157:4, 161:5, 173:6, 173:8, 173:10, 173:14, 173:16, 173:18, 173:20, 173:24, 174:1, 174:3</p> <p>examination [4] - 59:10, 65:2, 129:7, 157:2</p> <p>examinations [1] - 145:21</p> <p>examine [2] - 108:23, 137:25</p> <p>examined [3] - 10:13, 76:10, 150:9</p> <p>example [11] - 13:6, 19:3, 72:14, 86:22, 89:25, 90:3, 93:20, 99:23, 101:19, 129:1, 145:23</p> <p>exams [7] - 89:21, 92:16, 93:18, 99:16, 113:19, 113:20, 142:2</p> <p>exceeding [1] - 39:10</p> <p>except [2] - 40:12, 60:21</p> <p>exception [1] - 116:4</p> <p>excess [6] - 30:9, 44:24, 47:1, 50:7, 56:11, 58:8</p> <p>excluded [1] - 79:16</p> <p>excuse [1] - 164:12</p> <p>excused [3] - 68:8, 68:9, 148:17</p> <p>executive [4] - 51:21, 51:23, 51:24, 52:1</p> <p>exercise [8] - 17:17, 25:3, 31:5, 31:6, 36:21, 36:23, 39:2, 49:7</p> <p>exercises [2] - 17:24, 31:21</p> <p>exhibit [20] - 9:25, 41:20, 49:5, 51:17, 52:21, 54:14, 54:23, 57:22, 68:25, 69:4, 69:5, 69:18, 69:21, 69:23, 70:15, 79:16, 84:1, 85:15, 103:10, 117:9</p> <p>Exhibit [66] - 10:25, 23:3, 24:18, 26:17, 27:19, 31:9, 34:24, 38:9, 42:3, 48:11, 51:5, 54:13, 54:20, 55:1, 55:10, 56:19, 63:24, 68:25, 78:24, 78:25, 79:13, 80:23, 81:19, 81:21, 81:25, 82:1, 82:2, 82:20, 82:23, 82:24, 83:3, 84:7, 84:8, 85:14, 85:16, 85:18, 91:22, 92:13, 95:7, 96:8, 96:17, 102:20, 105:5, 105:7, 105:10, 105:11, 105:14, 105:16, 105:18, 105:23, 106:4, 108:10, 115:21, 116:15, 117:3, 117:7, 118:9, 119:5, 120:6, 124:19, 125:12, 125:21, 126:7, 174:19, 174:20, 174:21</p> <p>Exhibits [3] - 24:16, 174:14, 174:17</p> <p>exhibits [19] - 10:21, 10:24, 23:2, 23:5, 23:14, 24:3, 53:18, 54:8, 67:24, 70:4, 70:10, 70:13, 71:8, 76:17, 76:18, 78:21, 79:2, 97:16, 112:1</p> <p>exigent [1] - 135:15</p> <p>exists [3] - 6:5, 69:12, 72:1</p> <p>expect [2] - 65:24, 135:3</p> <p>expected [2] - 81:3, 81:4</p> <p>expedite [7] - 133:16, 134:3, 137:8, 137:17, 138:7, 140:21, 141:5</p> <p>expedited [5] - 134:10, 135:9, 135:11, 137:9, 137:22</p> <p>expediting [3] - 98:7, 135:15, 141:18</p> <p>expeditiously [1] - 54:1</p> <p>expend [1] - 121:19</p> <p>expense [3] - 45:17, 46:3, 51:6</p>	<p>expensive [1] - 53:9</p> <p>experience [7] - 58:22, 107:5, 133:17, 141:7, 153:23, 154:8, 160:17</p> <p>expert [2] - 79:19, 103:11</p> <p>expertise [1] - 65:17</p> <p>experts [4] - 9:6, 42:13, 137:12, 171:13</p> <p>expiration [1] - 113:18</p> <p>expire [2] - 125:10, 125:13</p> <p>expires [2] - 20:5, 114:3</p> <p>expiring [3] - 113:20, 113:21, 114:16</p> <p>explain [7] - 65:22, 85:9, 95:4, 96:9, 98:7, 106:2, 109:12</p> <p>explained [2] - 26:13, 137:22</p> <p>explains [1] - 106:12</p> <p>explore [1] - 129:19</p> <p>expression [1] - 31:5</p> <p>extend [1] - 17:4</p> <p>extent [2] - 25:6, 57:21</p> <p>extenuating [1] - 27:1</p> <p>external [1] - 31:12</p> <p>extra [9] - 14:3, 25:4, 25:6, 25:8, 25:11, 44:23, 53:12, 141:1</p> <p>extraordinary [1] - 135:17</p> <p>extremely [1] - 131:16</p> <p>eye [1] - 136:22</p>
F		
<p>F-1 [1] - 68:25</p> <p>face [1] - 162:23</p> <p>facility [2] - 82:8, 102:25</p> <p>facing [1] - 49:16</p> <p>fact [19] - 14:4, 15:20, 16:6, 26:14, 30:11, 30:14, 36:12, 44:22, 50:6, 58:4, 60:14, 69:19, 72:12, 72:17, 103:11, 107:11, 136:23, 160:2, 163:21</p> <p>factor [4] - 13:4, 14:20, 43:19, 159:14</p> <p>factors [13] - 16:4, 16:15, 26:12, 31:12, 31:16, 43:18, 44:15, 59:17, 60:4, 60:5, 73:20, 114:1, 167:1</p> <p>facts [1] - 52:3</p> <p>fail [1] - 121:14</p> <p>failed [7] - 85:11, 118:11, 118:15, 118:19, 119:1, 126:25, 127:20</p> <p>failure [1] - 126:8</p> <p>fair [6] - 5:24, 8:17, 40:13, 61:25, 163:1, 163:2</p> <p>fall [4] - 8:3, 17:18, 49:8, 73:22</p> <p>falling [3] - 62:17, 62:19, 113:14</p> <p>familiar [3] - 17:14, 100:25, 156:6</p> <p>far [18] - 6:21, 32:19, 40:1, 44:6, 52:17, 53:9, 58:18, 61:25, 96:14, 124:3, 142:10, 155:15, 160:7, 160:16, 161:13, 165:1, 166:19, 166:25</p> <p>fashion [2] - 5:5, 35:1</p> <p>fast [1] - 39:7</p> <p>faster [1] - 167:2</p> <p>fatigue [2] - 152:12, 166:23</p>		

<p>FAY [3] - 2:20, 4:2, 4:5 Fay [2] - 4:2, 4:4 FBI [4] - 82:5, 112:12, 142:16, 142:17 FDNY [1] - 19:4 February [6] - 19:16, 20:6, 38:19, 43:21, 52:24, 61:16 feedback [1] - 154:9 felony [1] - 144:7 felt [1] - 25:5 few [10] - 23:9, 53:3, 54:7, 113:15, 113:16, 138:4, 139:10, 151:24, 152:20, 164:16 field [5] - 15:21, 17:11, 53:20, 56:7, 130:11 fielding [2] - 46:25, 67:12 fifth [3] - 19:24, 52:9, 52:23 fight [1] - 63:25 fighter [4] - 100:5, 101:6, 102:9, 131:2 fighters [3] - 88:16, 98:11, 129:21 fighting [3] - 45:18, 64:8, 168:15 figure [2] - 41:9, 133:3 figured [1] - 45:25 figures [4] - 52:3, 55:9, 92:20, 131:15 filing [1] - 34:2 fill [12] - 12:23, 13:1, 13:7, 13:20, 13:21, 14:15, 29:12, 64:10, 118:12, 123:24, 134:12, 152:11 filled [3] - 15:7, 106:9, 119:13 filling [3] - 17:12, 124:4, 152:6 fills [1] - 106:12 final [4] - 51:19, 51:25, 100:12, 126:21 finalize [1] - 110:4 Finance [3] - 10:7, 11:12, 11:16 finances [1] - 21:7 financial [4] - 20:12, 43:20, 45:3, 49:10 fine [10] - 6:1, 23:13, 66:2, 74:18, 77:12, 78:16, 97:5, 107:9, 131:23, 163:5 finer [1] - 91:10 fingerprint [7] - 82:5, 82:19, 101:8, 117:9, 117:13, 118:12, 119:3 fingerprinted [1] - 82:5 fingerprints [2] - 119:14, 142:17 finish [2] - 64:24, 131:1 finished [1] - 59:2 finishing [1] - 78:12 fire [91] - 8:11, 13:2, 15:13, 16:22, 19:13, 19:14, 19:18, 20:1, 21:3, 21:6, 21:18, 21:20, 22:2, 22:4, 22:16, 22:22, 22:23, 27:22, 28:3, 29:23, 30:4, 30:12, 36:14, 41:11, 45:18, 48:22, 49:25, 50:20, 64:1, 64:8, 77:17, 88:16, 96:15, 98:11, 98:12, 100:5, 100:13, 101:6, 101:25, 102:2, 102:8, 102:9, 104:21, 105:12, 110:6, 110:19, 111:9, 112:23, 117:19, 118:1, 118:6, 124:12, 125:15, 125:24, 126:4, 126:9, 128:5, 128:9, 129:21, 129:24, 131:2, 132:2, 133:24, 138:7, 151:15, 152:23, 152:24, 153:13,</p>	<p>154:16, 154:19, 155:20, 155:22, 156:11, 156:15, 163:16, 163:20, 163:23, 163:24, 164:2, 164:8, 164:10, 164:13, 165:20, 165:24, 167:21, 168:15, 170:13 Fire [64] - 5:4, 7:18, 8:13, 10:7, 11:10, 11:17, 11:20, 11:25, 12:9, 12:10, 12:12, 12:13, 12:15, 12:19, 12:22, 12:24, 14:11, 16:18, 17:4, 18:5, 18:25, 37:4, 45:1, 46:18, 49:14, 50:17, 52:11, 56:17, 58:4, 58:17, 59:12, 59:15, 61:23, 61:24, 62:1, 62:6, 63:2, 63:15, 65:11, 65:19, 73:25, 102:24, 134:5, 135:2, 136:2, 137:15, 140:1, 142:6, 142:12, 142:13, 142:24, 150:6, 150:19, 150:24, 151:2, 154:1, 154:22, 158:8, 161:7, 162:23, 166:9, 166:14, 167:5, 168:16 FIRE [2] - 1:14, 1:17 fired [1] - 143:25 firefighter [53] - 13:8, 13:12, 13:13, 13:18, 14:8, 14:9, 14:10, 16:11, 17:7, 17:8, 17:10, 17:11, 17:13, 19:24, 20:2, 21:15, 27:8, 33:13, 40:24, 41:6, 41:7, 41:16, 41:17, 52:9, 52:23, 53:9, 53:10, 54:17, 56:21, 58:25, 64:9, 64:10, 71:17, 71:20, 71:21, 80:15, 86:7, 86:11, 133:10, 136:24, 137:1, 146:20, 147:1, 147:7, 147:13, 151:3, 152:10, 153:12, 157:10, 165:14, 165:15, 166:10, 168:10 firefighters [97] - 7:12, 7:21, 11:22, 13:6, 13:22, 13:23, 13:24, 14:3, 14:5, 14:7, 14:17, 14:23, 14:24, 15:8, 15:21, 16:6, 16:19, 20:1, 20:3, 20:7, 20:16, 20:18, 20:21, 21:18, 25:4, 25:6, 25:8, 25:11, 25:14, 26:22, 27:7, 27:11, 27:25, 30:16, 35:8, 35:10, 39:20, 41:5, 41:10, 43:21, 43:25, 44:5, 45:9, 45:22, 46:21, 46:25, 47:2, 47:3, 53:12, 54:18, 55:12, 55:13, 55:14, 55:22, 58:5, 58:7, 59:3, 60:19, 62:5, 64:3, 64:11, 64:12, 65:12, 79:22, 86:14, 86:16, 133:25, 135:12, 136:18, 136:21, 152:6, 153:3, 153:7, 153:10, 153:11, 154:2, 154:6, 154:7, 157:19, 157:20, 158:3, 158:7, 158:9, 158:18, 158:20, 159:18, 160:15, 163:15, 165:5, 166:12, 168:5, 168:18, 168:19, 169:2, 169:8 firehouses [3] - 62:8, 63:4, 74:1 firemen [1] - 163:20 fires [8] - 62:16, 62:17, 62:19, 62:20, 62:25, 63:25, 152:21, 160:18 First [3] - 67:22, 76:13, 153:4 first [30] - 7:5, 9:2, 9:6, 10:5, 10:12, 12:6, 18:24, 23:9, 25:13, 38:23, 50:1, 54:12, 69:25, 76:10, 81:2, 86:20, 87:1, 90:19, 105:20, 105:24, 120:25, 121:1, 123:3, 129:22, 135:25, 143:3, 150:8, 162:10, 168:25, 172:17 fiscal [48] - 11:25, 17:25, 20:15, 21:8, 22:6, 22:8, 22:10, 22:14, 24:22, 25:20,</p>	<p>26:3, 26:8, 28:13, 29:2, 30:15, 31:15, 32:10, 32:15, 32:25, 35:5, 35:9, 35:11, 36:8, 36:9, 38:18, 38:24, 39:6, 39:7, 44:17, 49:11, 49:15, 49:24, 52:6, 54:24, 55:3, 55:4, 55:16, 55:23, 63:9, 63:10, 154:21, 166:8, 166:10, 166:11, 168:11 fitness [4] - 121:3, 121:9, 121:21, 122:9 fits [1] - 77:19 five [28] - 13:22, 14:1, 14:21, 14:23, 14:24, 15:1, 15:5, 20:1, 20:2, 20:17, 26:19, 27:16, 32:16, 32:18, 57:5, 60:19, 61:10, 62:1, 64:11, 65:22, 66:22, 75:8, 85:3, 151:13, 164:21, 166:15, 166:25, 169:7 fixed [1] - 133:19 flip [1] - 164:4 Floor [1] - 2:12 Florida [2] - 48:23, 99:1 flunked [1] - 57:15 focused [1] - 6:3 focusing [1] - 27:11 folks [3] - 130:6, 145:15 follow [4] - 107:23, 111:6, 128:8, 162:6 following [5] - 37:8, 68:1, 124:12, 132:4, 133:21 follows [3] - 10:13, 76:10, 150:9 fondly [1] - 17:15 FOR [1] - 2:14 Force [1] - 12:9 force [5] - 12:11, 45:18, 131:16, 160:14, 163:23 forced [1] - 32:13 forego [1] - 137:7 forever [1] - 120:14 forget [3] - 168:13, 168:14 forgive [1] - 16:24 forgot [1] - 145:11 form [7] - 82:4, 82:8, 82:10, 82:17, 118:12, 134:11, 154:10 formal [1] - 154:5 former [1] - 99:9 forms [1] - 107:20 forth [8] - 7:13, 37:20, 37:22, 74:22, 112:5, 115:10, 130:7, 158:16 forward [16] - 4:12, 5:5, 6:17, 8:8, 26:6, 29:15, 37:7, 37:10, 39:7, 121:14, 152:11, 152:19, 152:21, 153:6, 153:18, 161:16 foundation [1] - 4:8 four [25] - 13:23, 15:2, 20:3, 20:7, 20:18, 29:15, 29:16, 49:10, 49:11, 50:10, 52:10, 61:10, 62:2, 62:5, 62:25, 66:22, 81:2, 85:3, 90:3, 94:16, 123:20, 165:22, 165:23, 168:23, 169:5 four-year [1] - 49:10 frame [6] - 102:6, 103:19, 104:5, 104:13, 110:22, 111:1 frames [1] - 102:5 frankly [1] - 141:16</p>
--	--	--

<p>fraudulence [2] - 99:12, 101:17 fraudulent [1] - 101:22 free [1] - 100:20 freight [1] - 39:8 frequency [2] - 70:21, 127:16 frequent [1] - 165:8 frequently [2] - 164:10, 164:13 fringe [1] - 17:5 fringes [1] - 41:7 front [5] - 19:12, 23:2, 121:17, 131:20, 168:2 fulfill [1] - 8:14 fulfilling [2] - 43:1, 68:3 full [8] - 10:15, 30:8, 44:16, 76:11, 109:10, 141:19, 144:16, 150:11 full-time [1] - 144:16 fully [5] - 41:7, 116:5, 120:2, 123:25, 133:25 funded [1] - 162:2 funding [9] - 22:4, 22:22, 22:23, 36:14, 36:16, 52:22, 63:8, 63:10 future [4] - 9:10, 29:17, 32:14, 35:22 FY [14] - 21:25, 22:1, 22:6, 24:21, 25:2, 25:12, 25:13, 25:19, 27:21, 29:7, 29:11, 35:15</p>	<p>Government's [1] - 72:8 graduate [1] - 16:2 Great [1] - 78:3 great [3] - 16:21, 17:21, 70:13 greater [5] - 33:23, 34:2, 46:15, 46:16, 71:1 greatly [1] - 5:21 GREGG [1] - 1:8 ground [1] - 4:11 grounds [2] - 70:23, 79:19 group [14] - 35:13, 41:4, 64:8, 113:6, 113:10, 113:13, 113:14, 123:13, 123:18, 128:20, 131:14, 133:14, 146:14, 154:3 growing [3] - 39:12, 40:14, 40:15 guess [3] - 5:3, 118:25, 131:25 guesswork [1] - 131:18</p>	<p>90:18, 123:7 highly [1] - 71:25 himself [1] - 64:19 hire [39] - 16:6, 17:12, 21:15, 25:4, 28:19, 30:20, 32:14, 32:15, 32:17, 32:21, 34:18, 35:9, 37:23, 39:12, 41:16, 42:7, 42:8, 42:10, 53:6, 55:5, 58:6, 60:25, 79:22, 115:22, 124:13, 136:4, 136:17, 136:19, 145:22, 153:6, 158:1, 158:14, 161:11, 161:19, 161:23, 162:3, 164:25, 168:5, 168:19 hired [33] - 13:8, 13:12, 17:10, 25:11, 25:13, 25:15, 26:15, 32:16, 32:18, 35:21, 39:1, 39:2, 39:4, 39:9, 55:2, 55:4, 57:3, 58:5, 59:13, 59:15, 59:23, 87:3, 88:4, 90:25, 91:6, 146:6, 160:14, 161:7, 162:11, 162:17, 162:18, 164:23 hires [7] - 26:6, 38:16, 48:16, 56:1, 124:12, 160:22 hiring [58] - 5:2, 5:4, 5:15, 5:24, 6:7, 6:19, 7:12, 14:3, 14:7, 15:19, 15:20, 16:5, 17:3, 17:7, 21:23, 25:6, 27:25, 29:17, 30:10, 30:14, 31:4, 31:11, 31:20, 32:11, 34:6, 35:4, 35:24, 38:23, 39:1, 39:20, 40:1, 41:6, 45:4, 47:11, 53:5, 53:12, 55:22, 59:20, 60:5, 60:18, 66:12, 71:16, 73:1, 73:2, 73:14, 73:16, 135:12, 151:24, 154:18, 157:10, 160:2, 160:3, 161:13, 161:20, 161:22, 162:14, 166:22 Hispanic [2] - 72:19, 125:5 Hispanics [2] - 71:1, 72:5 historic [1] - 16:16 history [2] - 12:4, 144:6 hold [5] - 11:11, 64:16, 123:20, 124:21, 161:25 HOLLY [1] - 2:22 home [2] - 47:6, 165:20 homes [1] - 130:12 honestly [1] - 81:5 Honor [96] - 3:4, 3:7, 3:9, 3:11, 3:13, 3:15, 3:17, 3:19, 3:21, 3:25, 4:2, 4:5, 4:19, 6:15, 7:1, 7:2, 7:4, 7:8, 9:4, 9:19, 9:24, 10:19, 10:24, 23:6, 24:13, 28:25, 31:8, 34:11, 34:22, 37:15, 40:3, 42:12, 42:20, 43:11, 53:25, 54:4, 54:7, 57:19, 68:7, 68:10, 68:17, 69:4, 69:6, 69:11, 69:17, 71:24, 72:7, 72:10, 73:4, 73:5, 73:6, 79:11, 81:22, 84:17, 84:21, 89:21, 90:21, 95:1, 97:13, 97:22, 103:10, 103:18, 103:23, 106:11, 107:10, 108:15, 109:4, 109:10, 109:16, 111:7, 112:1, 112:14, 115:7, 123:22, 127:10, 131:23, 135:20, 138:3, 140:7, 148:5, 148:16, 150:4, 150:15, 152:1, 156:22, 157:1, 161:1, 166:2, 169:22, 170:2, 170:9, 170:19, 171:5, 171:23 Honor's [3] - 6:14, 69:1, 71:19 honorable [1] - 107:2 HONORABLE [1] - 1:23 hope [3] - 5:25, 9:21, 107:2</p>
<p>G</p>	<p>half [5] - 29:16, 116:4, 128:24, 151:3, 161:8 Hall [2] - 37:20, 154:22 hand [2] - 9:24, 10:20 handed [2] - 24:5, 103:20 handing [1] - 10:23 handle [1] - 157:12 handling [1] - 67:23 hands [4] - 99:3, 99:13, 102:11, 134:5 hands-on [1] - 102:11 happy [9] - 24:11, 73:4, 74:15, 75:2, 169:10, 169:12, 169:17, 169:18, 169:19 Harlem [1] - 151:5 HAYWOOD [1] - 1:7 head [26] - 14:5, 21:16, 21:21, 24:21, 25:23, 26:4, 26:8, 29:2, 30:2, 30:4, 31:21, 44:5, 44:6, 44:13, 48:15, 61:7, 161:15, 161:16, 162:3, 162:4, 162:14, 166:9, 166:12, 168:8, 168:10 headquarters [1] - 65:20 health [1] - 104:13 hear [6] - 67:25, 69:11, 69:15, 79:23, 83:20, 92:5 heard [2] - 59:1 hearing [13] - 4:8, 4:16, 4:21, 6:13, 9:7, 9:17, 61:19, 64:24, 73:18, 79:16, 79:19, 103:14, 104:7 hearsay [4] - 79:19, 103:11, 104:7, 104:20 heart [2] - 99:24, 100:1 held [1] - 136:21 helmets [1] - 41:17 help [5] - 8:7, 8:16, 43:12, 137:17, 154:7 helpful [2] - 25:7, 67:24 helps [1] - 99:11 high [5] - 58:13, 136:21, 143:9, 144:18, 144:19 higher [6] - 16:3, 30:8, 33:21, 54:17,</p>	

<p>hopeful [2] - 4:25, 6:2 horribly [1] - 21:7 hose [1] - 64:16 hospital [1] - 19:4 hour [6] - 12:25, 14:12, 17:10, 17:13, 53:11, 78:9 hours [24] - 13:2, 13:5, 13:7, 13:13, 13:15, 13:19, 13:20, 14:15, 14:17, 16:12, 16:13, 16:14, 156:15, 157:22, 157:24, 158:2, 158:7, 164:18, 164:21, 164:23, 165:22 house [11] - 13:2, 21:18, 154:16, 155:21, 163:16, 163:20, 163:24, 165:14, 165:20, 165:24, 170:13 housekeeping [1] - 76:5 houses [12] - 21:4, 22:16, 22:23, 29:23, 30:4, 30:12, 41:11, 63:17, 153:13, 154:20, 155:22, 165:20 hundred [2] - 14:4, 48:25 hundreds [1] - 159:17 hydrant [1] - 164:1 hypothetically [1] - 130:17</p>	<p>INC [1] - 1:6 incentive [1] - 141:13 include [1] - 30:25 included [2] - 64:5, 116:9 includes [2] - 11:18, 116:19 including [2] - 37:20, 64:21 Including [1] - 82:15 increase [6] - 46:16, 153:22, 154:14, 158:1, 162:14, 168:12 increased [4] - 19:5, 40:6, 152:19, 157:19 increases [2] - 44:22, 45:9 incumbent [1] - 136:25 indeed [2] - 55:25, 61:21 indicate [3] - 83:10, 117:25, 166:17 indicated [6] - 4:14, 7:10, 86:1, 117:6, 162:13, 166:8 indicates [1] - 104:2 indicating [2] - 25:22, 74:20 indication [2] - 85:5, 85:16 indiscretion [1] - 142:20 indiscretions [1] - 146:2 individual [10] - 1:18, 68:24, 94:23, 108:4, 111:11, 123:17, 123:21, 124:6, 134:18, 143:1 individual's [2] - 85:6, 85:7 individually [1] - 1:8 individuals [2] - 111:22, 116:17 inevitably [1] - 19:12 informal [2] - 154:11, 154:17 informally [1] - 160:18 information [64] - 7:4, 8:7, 24:20, 34:25, 42:18, 42:20, 43:12, 46:6, 65:14, 66:4, 69:20, 72:23, 73:22, 73:24, 74:21, 82:13, 84:13, 84:14, 85:8, 85:9, 97:21, 97:23, 99:11, 99:15, 100:23, 101:5, 101:11, 103:24, 109:10, 110:3, 110:7, 110:11, 111:13, 111:17, 112:21, 113:23, 117:5, 117:10, 117:12, 118:6, 118:7, 129:8, 131:19, 134:11, 134:14, 134:17, 134:20, 134:23, 135:1, 139:15, 139:16, 139:25, 140:16, 142:15, 142:25, 152:1, 167:7, 167:13, 167:18, 167:22 inherent [1] - 98:9 inhibited [1] - 60:21 inhibiting [6] - 31:12, 31:16, 35:7, 43:18, 60:4 initial [2] - 41:8, 159:23 initiatives [2] - 19:7, 36:23 inquire [6] - 10:18, 11:2, 54:9, 78:5, 80:2, 150:14 inquired [1] - 124:22 inquiries [1] - 140:24 inquiry [5] - 40:25, 42:17, 70:19, 85:20, 109:19 inserted [4] - 94:3, 94:5, 94:13, 94:17 insistence [1] - 72:3 inspections [7] - 156:7, 156:9, 156:14, 156:15, 156:20, 164:1</p>	<p>instance [3] - 55:22, 56:3, 159:3 instances [3] - 22:18, 60:23, 111:7 instead [3] - 19:25, 34:13, 133:14 institution [2] - 102:1, 134:22 institutions [9] - 98:19, 99:8, 99:9, 99:14, 101:12, 113:4, 145:2, 145:3, 145:4 instruction [1] - 60:10 instructor [4] - 41:9, 41:10, 41:24, 56:24 instructors [2] - 41:11, 57:7 insure [1] - 81:15 intake [12] - 80:22, 81:1, 81:2, 81:7, 81:9, 81:11, 81:13, 81:14, 82:7, 100:15, 119:10, 125:2 integrity [2] - 98:14, 98:17 intending [1] - 126:22 intent [1] - 168:24 intention [1] - 20:6 interest [2] - 5:22, 5:23 interested [1] - 6:7 interesting [1] - 46:8 interests [2] - 5:9, 6:16 interim [3] - 8:17, 12:14, 105:10 internet [1] - 145:3 interpose [1] - 141:3 interrupt [5] - 14:13, 34:11, 34:22, 88:11, 131:1 interrupted [2] - 16:24, 83:24 intervals [1] - 100:11 intervenor [2] - 69:16, 170:17 Intervenors [1] - 1:11 intervenors [12] - 2:11, 3:14, 3:16, 3:18, 3:20, 4:24, 10:2, 69:3, 71:14, 72:1, 148:13, 172:14 introduced [1] - 76:17 invalid [2] - 71:10, 148:4 investigated [1] - 101:1 investigating [1] - 133:25 investigation [21] - 82:18, 85:11, 89:8, 89:10, 96:12, 112:18, 118:11, 118:23, 119:2, 120:16, 120:23, 126:9, 126:25, 128:6, 128:13, 130:22, 133:8, 133:20, 134:2, 139:20, 145:18 Investigation [1] - 112:19 investigations [2] - 112:16, 133:24 investigator [3] - 119:7, 119:19, 119:25 investigators [3] - 81:14, 133:22, 133:23 involved [8] - 102:5, 112:20, 133:19, 142:25, 155:13, 155:16, 161:13, 161:22 involvement [1] - 155:17 irregularity [1] - 99:25 irrelevant [1] - 104:7 issue [29] - 8:2, 20:11, 50:17, 50:21, 51:11, 55:25, 60:20, 64:21, 70:25, 71:2, 71:24, 72:13, 72:15, 73:14, 73:15, 73:18, 83:19, 103:13, 129:17, 148:6,</p>
I		
<p>IBA [1] - 100:25 idea [1] - 141:20 ideal [1] - 14:1 ideally [4] - 16:1, 28:9, 29:18, 38:21 ideas [1] - 5:11 identification [6] - 85:10, 117:5, 117:15, 117:19, 118:15, 119:1 identifications [2] - 117:20, 118:10 identified [1] - 10:24 identify [4] - 73:20, 87:2, 118:17, 119:2 identifying [3] - 82:15, 85:8, 155:5 immediate [2] - 73:19, 171:2 immediately [5] - 28:6, 84:17, 113:18, 134:11, 140:23 impact [23] - 18:25, 19:10, 33:17, 38:1, 42:17, 62:8, 62:12, 62:14, 62:15, 63:21, 63:22, 70:13, 71:15, 138:18, 149:1, 149:4, 152:13, 154:1, 155:7, 156:9, 156:10, 159:23 impacted [2] - 152:14, 154:12 impacting [1] - 74:2 impede [1] - 8:12 impeding [1] - 59:20 implement [2] - 7:6, 37:3 implementation [1] - 73:19 implemented [1] - 52:24 implementing [2] - 5:15, 49:17 implicate [1] - 5:6 implicit [1] - 7:19 importance [1] - 8:3 important [2] - 154:16, 171:1 impose [2] - 144:12, 159:11 improving [2] - 62:23, 62:24</p>		

159:4, 159:13, 160:10, 161:15, 170:24, 171:1, 171:2, 171:8, 172:1 issues [27] - 7:11, 12:13, 16:9, 38:3, 39:25, 48:3, 56:8, 61:18, 64:21, 64:22, 64:23, 65:10, 65:15, 67:19, 72:24, 72:25, 77:16, 77:20, 79:21, 80:10, 99:19, 99:22, 101:21, 151:19, 152:15, 164:17, 170:14 items [1] - 49:21 itself [7] - 1:7, 50:18, 98:10, 100:10, 103:25, 109:1, 129:5	L	149:18, 149:20, 150:4, 150:15, 150:17, 156:21, 156:25, 169:15, 169:17, 169:19, 170:6, 170:11, 170:21, 171:7, 171:12, 171:16, 172:23, 173:7, 173:15, 173:21, 173:25 Lemonedes [11] - 4:1, 6:10, 7:23, 48:1, 75:7, 76:16, 80:1, 147:19, 157:9, 169:14, 170:5 less [13] - 7:21, 13:25, 14:7, 33:20, 43:24, 45:19, 53:9, 56:3, 59:2, 112:17, 160:23, 164:10, 164:13 letter [5] - 101:14, 134:11, 134:12, 135:3, 172:7 letters [8] - 72:10, 98:18, 99:8, 101:4, 112:20, 113:2, 126:14, 127:17 level [17] - 14:1, 45:22, 46:20, 46:24, 47:4, 54:17, 64:18, 64:20, 68:5, 86:11, 86:14, 152:9, 153:21, 153:23, 153:25, 154:20 levels [8] - 48:15, 53:12, 131:11, 137:9, 144:22, 152:20, 159:14, 161:17 LEVY [60] - 2:11, 2:13, 3:13, 4:20, 6:2, 23:16, 23:18, 23:25, 24:2, 24:5, 58:2, 59:11, 66:9, 67:3, 67:14, 70:18, 75:1, 77:19, 77:25, 81:24, 82:21, 83:19, 83:21, 92:8, 103:15, 127:12, 127:15, 129:10, 131:23, 133:2, 135:19, 135:22, 135:25, 138:3, 139:6, 139:10, 139:12, 140:9, 141:22, 143:19, 144:9, 145:11, 145:13, 147:18, 148:19, 148:24, 161:6, 163:12, 166:2, 166:4, 169:22, 170:12, 170:18, 170:24, 171:15, 171:25, 172:9, 173:11, 173:19, 174:4 levy [1] - 147:24 Levy [20] - 3:13, 6:24, 7:17, 23:17, 57:25, 65:15, 70:7, 70:17, 74:25, 77:13, 83:18, 83:22, 85:1, 127:11, 135:18, 135:24, 141:17, 148:23, 161:4, 170:10 liability [1] - 136:12 license [2] - 48:23, 81:18 lieutenant [7] - 16:21, 63:24, 64:2, 64:3, 64:12, 64:16, 151:4 lieutenant's [1] - 47:12 life [3] - 107:19, 120:13, 153:1 light [2] - 16:14, 169:2 likelihood [1] - 61:15 likely [2] - 61:17, 119:4 limine [1] - 79:17 limitation [1] - 96:6 limitations [7] - 16:7, 98:10, 108:15, 111:25, 112:4, 115:10, 134:4 limited [1] - 60:18 line [2] - 19:12, 90:19 lines [2] - 46:15, 46:22 list [106] - 7:22, 8:9, 42:6, 42:15, 42:16, 46:12, 47:12, 48:2, 48:17, 79:16, 83:5, 83:11, 84:10, 84:11, 85:2, 85:7, 85:22, 85:23, 86:2, 86:3, 86:4, 87:1, 88:7, 88:13, 88:23, 89:3, 89:6, 89:14, 89:22, 89:23, 89:25, 90:4, 90:12, 90:15, 90:16,
J	labeled [2] - 10:24, 56:24 labor [1] - 11:24 ladder [3] - 14:22, 20:24, 25:9 laid [3] - 30:14, 30:15, 44:15 large [4] - 58:7, 67:13, 124:2, 131:10 larger [6] - 45:9, 55:22, 56:5, 125:24, 160:3, 160:23 last [45] - 7:2, 7:10, 7:17, 14:2, 21:5, 25:14, 26:19, 26:25, 27:15, 27:16, 28:16, 31:25, 36:25, 38:16, 38:18, 41:15, 44:3, 48:4, 51:16, 52:7, 55:7, 55:10, 59:2, 59:12, 62:17, 66:22, 76:13, 80:11, 83:6, 88:12, 88:15, 114:10, 120:8, 120:9, 122:20, 123:3, 124:2, 128:22, 130:3, 144:17, 161:8, 164:16, 166:15, 166:25, 170:1 late [4] - 17:24, 51:22, 109:5, 162:12 Late [1] - 60:1 Latinos [1] - 149:4 LAW [1] - 2:18 law [1] - 142:25 laws [1] - 98:12 lay [2] - 79:20, 103:12 layoffs [1] - 21:1 lead [1] - 153:15 leaders [1] - 160:13 leads [1] - 157:13 learned [1] - 106:22 least [11] - 5:24, 7:4, 19:16, 21:5, 29:18, 39:15, 40:1, 45:22, 50:13, 63:21, 77:11 leave [10] - 16:10, 16:14, 16:23, 27:4, 67:18, 97:22, 154:15, 159:13, 159:22, 169:2 leaves [1] - 148:22 legacy [2] - 110:18 legalities [2] - 136:3, 143:8 LEMONEDS [133] - 2:20, 3:25, 6:12, 9:3, 9:9, 9:11, 9:19, 9:22, 9:24, 10:3, 10:6, 10:10, 10:14, 10:19, 10:23, 11:2, 11:4, 11:6, 24:11, 24:15, 28:25, 31:8, 34:11, 34:22, 40:5, 42:11, 42:25, 43:3, 43:7, 43:9, 43:11, 43:14, 48:5, 48:8, 48:10, 53:1, 53:25, 54:4, 65:4, 66:6, 66:25, 67:16, 68:10, 68:15, 68:21, 68:23, 71:13, 72:9, 74:15, 74:18, 75:2, 75:5, 76:2, 76:20, 76:24, 77:2, 77:6, 78:1, 78:3, 78:6, 78:9, 78:11, 78:15, 78:18, 78:20, 79:8, 80:4, 81:21, 82:20, 83:16, 84:3, 84:6, 84:16, 84:20, 88:2, 91:8, 91:12, 92:10, 92:12, 95:3, 95:9, 95:13, 95:23, 97:4, 97:11, 97:20, 98:2, 98:4, 103:8, 103:17, 104:10, 104:18, 104:25, 105:3, 108:14, 109:4, 109:9, 109:16, 109:21, 111:24, 115:4, 115:6, 115:12, 116:22, 140:7, 147:20, 147:23, 148:8, 148:10, 149:7, 149:11, 149:14,	
K	keep [10] - 22:4, 29:18, 29:23, 39:12, 51:9, 51:12, 127:16, 127:19, 153:20 keeping [2] - 11:21, 161:17 keeps [2] - 26:5, 53:20 key [2] - 155:25, 160:16 kicked [1] - 113:25 kind [16] - 5:18, 96:25, 97:1, 99:25, 129:11, 134:14, 134:20, 138:5, 142:10, 144:6, 154:6, 159:25, 160:15, 161:9, 165:17, 166:18 kinds [2] - 65:15, 81:18 knowing [1] - 130:18 knowledge [2] - 56:15, 67:6	

<p>90:17, 90:20, 91:18, 91:20, 93:3, 93:5, 93:8, 94:2, 94:5, 94:13, 95:4, 96:2, 96:23, 96:25, 97:1, 105:18, 105:21, 105:25, 106:4, 106:5, 106:13, 106:14, 106:17, 106:20, 107:6, 108:6, 108:12, 108:13, 108:22, 108:24, 110:11, 111:21, 112:9, 115:1, 115:2, 115:23, 116:2, 116:8, 116:13, 116:16, 116:17, 116:19, 117:6, 117:19, 117:20, 118:5, 118:14, 118:18, 122:23, 123:5, 123:24, 124:4, 124:8, 124:15, 124:20, 125:6, 127:21, 130:21, 130:23, 133:5, 133:6, 133:15, 136:20, 139:20, 145:7, 146:24, 155:4</p> <p>listed [10] - 86:24, 96:11, 97:13, 106:1, 112:1, 119:6, 120:5, 124:18, 125:6, 129:2</p> <p>listing [1] - 85:15</p> <p>lists [6] - 92:25, 96:9, 96:10, 108:12, 112:5, 115:11</p> <p>Litigation [1] - 2:3</p> <p>litigation [5] - 9:1, 42:19, 52:17, 109:20, 151:18</p> <p>loaded [1] - 41:7</p> <p>local [2] - 19:8, 155:24</p> <p>locales [1] - 143:5</p> <p>locality [1] - 142:21</p> <p>locate [1] - 159:1</p> <p>located [1] - 156:12</p> <p>location [1] - 165:16</p> <p>long-term [2] - 53:17, 61:14</p> <p>longest [1] - 112:15</p> <p>look [63] - 12:23, 15:12, 15:25, 16:1, 16:5, 16:16, 17:3, 18:24, 19:2, 19:12, 19:17, 23:23, 25:18, 31:9, 31:11, 32:6, 32:7, 32:8, 32:9, 34:3, 36:1, 41:24, 46:1, 48:6, 53:17, 54:13, 54:20, 54:22, 55:7, 56:5, 67:20, 80:23, 85:2, 91:22, 91:24, 92:13, 95:4, 95:7, 95:14, 96:8, 96:17, 98:17, 105:5, 105:14, 105:17, 106:4, 118:18, 129:1, 133:15, 134:9, 136:10, 139:14, 139:24, 144:21, 144:23, 144:24, 145:19, 145:20</p> <p>looked [12] - 14:2, 18:22, 35:22, 36:12, 38:15, 41:24, 53:3, 54:23, 55:25, 92:22, 124:16, 136:18</p> <p>looking [26] - 6:16, 24:18, 25:18, 28:18, 28:19, 29:2, 29:10, 29:20, 35:12, 35:15, 36:23, 37:1, 48:17, 53:4, 55:8, 57:21, 83:15, 106:1, 109:23, 118:9, 125:12, 128:21, 140:4, 164:18, 165:5</p> <p>looks [2] - 49:10, 70:14</p> <p>LORETTA [1] - 2:6</p> <p>lose [3] - 16:19, 154:13, 154:16</p> <p>losing [3] - 44:9, 47:10, 160:13</p> <p>loss [1] - 169:8</p> <p>Lossia [1] - 3:15</p> <p>LOSSIA [2] - 2:13, 3:15</p> <p>lost [6] - 27:12, 34:7, 106:17, 110:16, 110:17, 110:18</p>	<p>low [1] - 159:22</p> <p>lower [10] - 17:8, 18:7, 18:8, 20:20, 45:20, 45:22, 123:5, 123:8, 123:24, 161:17</p> <p>lowest [1] - 46:20</p> <p>lunch [2] - 65:13, 78:10</p> <p>LYNCH [1] - 2:6</p>	<p>meaning [1] - 147:5</p> <p>meaningful [1] - 161:9</p> <p>means [7] - 6:19, 14:6, 19:12, 28:4, 40:14, 55:11, 119:6</p> <p>mechanical [1] - 2:25</p> <p>mechanism [1] - 143:4</p> <p>media [1] - 76:17</p> <p>mediation [2] - 6:22, 7:6</p> <p>medical [28] - 16:14, 86:5, 99:16, 99:17, 99:18, 99:19, 100:1, 100:3, 112:11, 113:18, 113:19, 113:20, 114:3, 125:9, 125:13, 127:5, 129:23, 138:23, 141:25, 142:6, 142:9, 151:15, 152:25, 153:2, 159:12, 159:22, 169:2</p> <p>medically [1] - 139:1</p> <p>medicals [2] - 114:8, 114:14</p> <p>medium [1] - 162:24</p> <p>meet [13] - 15:22, 37:13, 53:21, 81:13, 98:13, 98:15, 136:9, 137:1, 146:4, 154:24, 168:9, 171:6, 171:21</p> <p>meeting [6] - 9:5, 9:6, 71:18, 171:2, 171:8, 171:15</p> <p>member [1] - 41:19</p> <p>members [8] - 1:7, 41:12, 44:22, 45:2, 152:10, 153:19, 154:13, 160:19</p> <p>membership [6] - 100:20, 122:3, 153:8, 155:7, 157:20, 159:20</p> <p>memo [4] - 37:17, 38:20, 48:24, 49:1</p> <p>men [3] - 153:14, 154:3, 154:6</p> <p>mention [3] - 77:3, 118:22, 171:25</p> <p>mentioned [6] - 9:4, 80:19, 81:9, 83:22, 100:25, 102:19</p> <p>mentorship [1] - 154:10</p> <p>mere [1] - 136:23</p> <p>MEREDITH [1] - 2:5</p> <p>Meredith [1] - 3:7</p> <p>message [1] - 52:2</p> <p>met [2] - 136:8, 168:9</p> <p>method [1] - 55:1</p> <p>methodology [2] - 6:3, 6:5</p> <p>Metrotech [1] - 167:17</p> <p>Michael [1] - 3:23</p> <p>MICHAEL [1] - 1:16</p> <p>microphone [2] - 92:5, 101:20</p> <p>mid [2] - 158:19, 172:5</p> <p>mid-1980's [2] - 12:2, 12:3</p> <p>mid-range [1] - 158:19</p> <p>mid-September [1] - 172:5</p> <p>middle [1] - 39:15</p> <p>Midtown [1] - 151:7</p> <p>might [25] - 6:24, 9:7, 30:7, 45:8, 66:22, 77:14, 77:15, 77:19, 77:21, 77:25, 78:10, 85:1, 87:3, 89:8, 99:19, 107:10, 120:24, 130:19, 133:15, 133:16, 135:15, 138:4, 140:14, 141:12, 171:13</p> <p>mile [1] - 116:4</p> <p>military [23] - 89:21, 89:22, 89:23, 90:1, 90:4, 90:12, 90:24, 91:17, 91:20,</p>
M		
<p>magistrate [2] - 172:15, 172:16</p> <p>Magistrate [2] - 109:3, 109:8</p> <p>mail [3] - 127:21, 127:23, 127:24</p> <p>mailed [1] - 80:19</p> <p>main [1] - 46:4</p> <p>maintained [2] - 102:23, 117:21</p> <p>majority [1] - 131:10</p> <p>makers [1] - 161:21</p> <p>Management [6] - 12:7, 12:8, 17:19, 17:20, 18:1, 48:13</p> <p>management [4] - 39:23, 40:16, 40:19, 52:16</p> <p>managerial [2] - 45:7, 46:17</p> <p>managing [1] - 65:12</p> <p>mandated [2] - 19:15, 165:9</p> <p>mandatory [1] - 104:3</p> <p>manpower [5] - 20:20, 21:12, 21:22, 30:8, 154:20</p> <p>March [3] - 59:24, 60:1, 60:8</p> <p>MARCUS [1] - 1:7</p> <p>marked [6] - 49:20, 49:21, 82:1, 82:24, 84:8, 84:21</p> <p>MARSHAL [1] - 3:23</p> <p>marshal [1] - 16:22</p> <p>Marshal [1] - 3:23</p> <p>Marshall [1] - 77:21</p> <p>Master [8] - 4:10, 4:13, 8:19, 9:5, 170:23, 171:6, 171:10, 171:18</p> <p>material [7] - 24:12, 70:19, 81:4, 103:3, 103:20, 103:22</p> <p>materials [2] - 57:22, 172:12</p> <p>matter [4] - 7:17, 72:3, 117:22, 134:14</p> <p>matters [1] - 76:5</p> <p>max [2] - 57:7</p> <p>maximize [1] - 141:9</p> <p>maximized [1] - 168:18</p> <p>maximum [1] - 56:7</p> <p>MAYOR [1] - 1:16</p> <p>Mayor [1] - 168:14</p> <p>mayor [8] - 18:16, 22:3, 22:21, 51:20, 51:22, 52:2, 60:17, 63:9</p> <p>mayor's [2] - 20:12, 52:13</p> <p>mayoral [1] - 12:10</p> <p>mean [27] - 5:2, 24:3, 33:3, 37:2, 38:22, 49:22, 51:18, 57:8, 91:9, 99:23, 101:2, 102:7, 105:4, 107:24, 110:12, 113:2, 114:18, 116:23, 116:25, 123:7, 123:11, 125:2, 129:11, 134:7, 148:3, 155:23, 161:20</p>		

		N
<p>93:8, 93:13, 93:15, 93:19, 93:21, 94:8, 95:16, 95:20, 96:22, 96:23, 113:25, 114:1, 133:9</p> <p>million [20] - 5:21, 19:11, 32:12, 32:24, 33:2, 33:6, 33:20, 36:2, 36:4, 39:3, 39:5, 39:11, 44:19, 44:20, 53:16, 56:3, 56:25, 154:25</p> <p>mindful [1] - 6:14</p> <p>mine [1] - 107:1</p> <p>minimal [1] - 138:12</p> <p>minimize [2] - 62:14, 152:5</p> <p>minimized [1] - 160:6</p> <p>ministerial [1] - 111:2</p> <p>minorities [3] - 5:4, 71:6, 72:5</p> <p>minority [2] - 92:19, 131:17</p> <p>minute [8] - 53:25, 54:20, 65:22, 75:8, 91:21, 129:11, 156:21, 166:2</p> <p>minutes [4] - 23:9, 62:25, 78:9, 139:10</p> <p>missing [3] - 105:9, 106:5, 118:10</p> <p>misunderstandings [1] - 172:8</p> <p>mitigate [2] - 19:10, 56:1</p> <p>mix [1] - 43:25</p> <p>model [1] - 55:24</p> <p>models [1] - 15:19</p> <p>modest [2] - 30:15, 35:23</p> <p>modified [1] - 167:2</p> <p>moment [10] - 5:17, 23:20, 70:20, 88:11, 89:21, 115:4, 126:7, 135:8, 163:23, 172:18</p> <p>Monday [5] - 4:15, 168:10, 171:19, 171:21</p> <p>money [14] - 14:6, 18:18, 29:23, 32:11, 34:9, 34:12, 34:16, 38:17, 39:6, 41:21, 51:8, 51:12, 63:12, 121:20</p> <p>monitor [1] - 71:3</p> <p>monitoring [1] - 48:15</p> <p>month [14] - 37:7, 44:9, 44:10, 99:18, 99:21, 100:20, 114:5, 114:6, 114:7, 130:14, 130:17, 133:12, 134:8</p> <p>monthly [1] - 53:15</p> <p>months [39] - 12:7, 24:23, 29:15, 29:16, 32:17, 32:18, 33:10, 33:16, 42:14, 42:15, 52:8, 59:3, 113:9, 113:11, 113:15, 113:16, 119:21, 120:3, 122:1, 122:4, 122:9, 122:13, 123:20, 128:22, 133:13, 135:13, 144:15, 146:9, 146:11, 151:25, 152:8, 157:12, 157:15, 157:21, 159:3, 159:11, 159:18, 159:19, 159:23</p> <p>morning [27] - 3:2, 3:4, 3:6, 3:7, 3:9, 3:11, 3:13, 3:15, 3:17, 3:19, 3:21, 3:23, 3:25, 4:2, 4:18, 4:21, 5:12, 5:16, 11:7, 11:8, 23:9, 24:6, 58:3, 67:10, 79:3, 149:6, 171:5</p> <p>mortgage [2] - 134:17, 134:19</p> <p>most [14] - 6:20, 12:21, 12:22, 24:25, 47:8, 64:19, 71:25, 73:6, 113:18, 158:9, 158:10, 158:18, 165:3, 165:10</p> <p>motion [1] - 79:17</p> <p>move [15] - 5:3, 6:17, 8:8, 8:18, 54:1, 73:8, 81:21, 82:20, 83:16, 95:23, 97:12,</p>	<p>103:8, 108:14, 111:24, 136:20</p> <p>moved [8] - 27:8, 88:24, 106:13, 115:7, 128:14, 128:25, 162:22, 167:15</p> <p>moving [1] - 95:8</p> <p>MR [196] - 3:11, 3:13, 3:17, 3:21, 3:23, 3:25, 4:2, 4:5, 4:20, 6:2, 6:12, 9:3, 9:9, 9:11, 9:19, 9:22, 9:24, 10:3, 10:6, 10:10, 10:14, 10:19, 10:23, 11:2, 11:4, 11:6, 23:16, 23:18, 23:25, 24:2, 24:5, 24:11, 24:15, 28:25, 31:8, 34:11, 34:22, 40:5, 42:11, 42:25, 43:3, 43:7, 43:9, 43:11, 43:14, 48:5, 48:8, 48:10, 53:1, 53:25, 54:4, 58:2, 59:11, 65:4, 66:6, 66:9, 66:25, 67:3, 67:14, 67:16, 68:10, 68:15, 68:21, 68:23, 70:18, 71:13, 72:9, 74:15, 74:18, 75:1, 75:2, 75:5, 76:2, 76:20, 76:24, 77:2, 77:6, 77:19, 77:25, 78:1, 78:3, 78:6, 78:9, 78:11, 78:15, 78:18, 78:20, 79:8, 80:4, 81:21, 81:24, 82:20, 82:21, 83:16, 83:19, 83:21, 84:3, 84:6, 84:16, 84:20, 88:2, 91:8, 91:12, 92:8, 92:10, 92:12, 95:3, 95:9, 95:13, 95:23, 97:4, 97:11, 97:20, 98:2, 98:4, 103:8, 103:15, 103:17, 104:10, 104:18, 104:25, 105:3, 108:14, 109:4, 109:9, 109:16, 109:21, 111:24, 115:4, 115:6, 115:12, 116:22, 127:12, 127:15, 129:10, 131:23, 133:2, 135:19, 135:22, 135:25, 138:3, 139:6, 139:10, 139:12, 140:7, 140:9, 141:22, 143:19, 144:9, 145:11, 145:13, 147:18, 147:20, 147:23, 148:8, 148:10, 148:19, 148:24, 149:7, 149:11, 149:14, 149:18, 149:20, 150:4, 150:15, 150:17, 156:21, 156:25, 161:6, 163:12, 166:2, 166:4, 169:15, 169:17, 169:19, 169:22, 170:6, 170:11, 170:12, 170:18, 170:21, 170:24, 171:7, 171:12, 171:15, 171:16, 171:25, 172:9, 172:23, 173:7, 173:11, 173:15, 173:19, 173:21, 173:25, 174:4</p> <p>MS [46] - 3:4, 3:7, 3:9, 3:15, 3:19, 4:19, 23:6, 54:7, 54:11, 57:19, 69:17, 70:4, 70:9, 73:11, 73:17, 74:24, 78:24, 79:11, 79:25, 81:23, 82:22, 83:17, 95:11, 96:1, 97:14, 103:10, 104:2, 108:18, 112:2, 115:15, 115:18, 116:25, 123:9, 127:9, 157:3, 157:5, 161:1, 161:3, 170:9, 170:19, 171:4, 171:11, 171:23, 173:9, 173:17, 174:2</p> <p>multi [1] - 153:15</p> <p>multi-unit [1] - 153:15</p> <p>multiple [1] - 166:22</p> <p>multiply [1] - 15:4</p> <p>must [19] - 87:1, 90:16, 99:4, 99:16, 100:6, 100:11, 100:12, 128:4, 135:10, 135:14, 136:8, 136:10, 142:20, 144:12, 145:4, 146:3, 146:4, 147:8, 159:7</p>	<p>N</p> <p>N.W [1] - 2:3</p> <p>N.Y [1] - 1:13</p> <p>name [9] - 10:15, 76:11, 76:13, 83:12, 85:7, 105:24, 112:9, 150:11</p> <p>names [2] - 84:12, 112:5</p> <p>nature [4] - 19:9, 36:24, 63:22, 129:3</p> <p>near [2] - 9:10, 105:16</p> <p>nearing [1] - 152:22</p> <p>necessarily [4] - 69:6, 91:7, 109:1, 130:12</p> <p>necessary [14] - 8:4, 8:13, 25:10, 40:11, 71:19, 72:11, 79:6, 106:23, 121:19, 141:19, 152:11, 160:19, 162:5, 167:7</p> <p>necessitated [1] - 17:25</p> <p>necessitates [1] - 135:17</p> <p>need [59] - 5:12, 6:19, 8:8, 8:14, 9:17, 13:1, 13:21, 14:15, 14:17, 15:7, 17:22, 18:18, 21:15, 23:23, 30:15, 31:1, 34:16, 37:13, 40:6, 53:5, 53:6, 61:2, 64:23, 73:1, 73:19, 74:19, 79:22, 80:11, 98:13, 100:18, 101:11, 101:16, 105:1, 108:10, 108:24, 134:17, 137:10, 137:15, 137:22, 137:24, 138:6, 138:16, 139:4, 139:15, 139:16, 140:14, 141:5, 143:6, 145:21, 146:13, 146:17, 149:14, 168:5, 168:19, 168:25, 169:4, 169:5, 169:20</p> <p>needed [6] - 28:5, 28:7, 36:18, 38:3, 141:9, 172:14</p> <p>needs [20] - 6:17, 13:20, 14:14, 15:16, 15:22, 16:8, 31:20, 34:1, 37:4, 45:6, 50:17, 53:21, 73:25, 103:13, 124:17, 125:4, 152:2, 154:24, 163:6</p> <p>negatively [1] - 138:18</p> <p>negotiated [4] - 19:22, 20:4, 61:20, 63:13</p> <p>negotiations [7] - 12:1, 19:23, 22:20, 22:21, 43:23, 51:20, 51:25</p> <p>neighborhood [4] - 44:4, 156:2, 156:3, 156:18</p> <p>neighborhoods [1] - 156:3</p> <p>net [6] - 33:1, 33:4, 36:4, 39:15, 39:16, 44:20</p> <p>neutral [1] - 73:21</p> <p>never [3] - 8:25, 28:20, 115:2</p> <p>NEW [5] - 1:1, 1:14, 1:15, 1:17</p> <p>New [22] - 2:7, 2:8, 2:12, 2:19, 2:23, 11:10, 12:5, 12:6, 98:25, 100:21, 102:23, 104:15, 104:16, 138:2, 140:1, 150:19, 151:17, 155:23, 168:15, 170:1</p> <p>new [27] - 2:18, 8:9, 8:19, 8:20, 34:1, 42:14, 42:15, 45:21, 46:9, 46:12, 57:21, 105:25, 106:13, 113:10, 129:2, 130:13, 147:25, 148:2, 151:24, 153:7, 154:18, 157:10, 158:1, 161:19, 162:10, 172:20</p> <p>newly [1] - 57:3</p> <p>next [48] - 9:14, 9:16, 26:3, 32:16,</p>

<p>32:17, 35:9, 35:21, 36:13, 36:19, 37:7, 40:4, 47:14, 49:5, 51:5, 53:19, 55:16, 56:9, 63:11, 65:5, 68:10, 68:14, 74:7, 75:10, 78:14, 81:8, 87:7, 88:8, 88:25, 92:17, 97:25, 102:3, 105:16, 112:7, 113:15, 113:16, 114:14, 115:22, 122:16, 124:8, 124:10, 131:6, 139:21, 149:23, 151:24, 168:5, 171:1, 171:6, 171:8</p> <p>Next [3] - 52:19, 67:8, 75:3</p> <p>NGG [1] - 1:4</p> <p>nice [1] - 172:22</p> <p>NICHOLAS [2] - 1:17, 1:23</p> <p>night [6] - 49:25, 50:6, 50:8, 50:11, 51:11, 165:23</p> <p>nighttime [1] - 50:20</p> <p>nobody [1] - 66:3</p> <p>normal [9] - 16:19, 35:3, 35:5, 35:6, 35:8, 35:16, 44:24, 104:21, 163:22</p> <p>normally [5] - 152:22, 152:23, 154:3, 156:12</p> <p>note [2] - 4:9, 108:18</p> <p>noted [4] - 108:15, 149:21, 150:2, 172:24</p> <p>nothing [11] - 8:24, 39:25, 50:21, 52:16, 59:20, 67:14, 99:5, 104:23, 127:9, 159:21, 169:19</p> <p>notice [4] - 126:19, 126:20, 126:21, 169:24</p> <p>notification [1] - 127:7</p> <p>notified [3] - 126:9, 127:1, 127:4</p> <p>notify [2] - 110:24, 130:10</p> <p>notwithstanding [1] - 8:23</p> <p>November [12] - 32:3, 33:4, 33:7, 33:8, 36:1, 37:21, 37:22, 48:25, 49:8, 54:22, 120:9, 122:21</p> <p>NQ [1] - 95:18</p> <p>number [60] - 15:3, 15:5, 15:7, 16:15, 16:21, 17:22, 18:11, 20:20, 26:25, 27:1, 27:4, 27:7, 30:5, 30:7, 44:1, 56:7, 56:10, 56:12, 56:13, 58:6, 58:7, 62:16, 62:19, 63:4, 65:21, 72:4, 72:5, 78:25, 83:7, 83:11, 85:7, 89:25, 90:3, 90:15, 94:2, 94:5, 94:15, 94:16, 94:19, 105:18, 105:25, 106:5, 106:14, 106:18, 108:13, 116:14, 118:18, 123:2, 124:2, 124:15, 130:19, 134:2, 158:7, 168:7, 168:8, 168:11, 168:20</p> <p>numbers [47] - 5:3, 6:8, 14:9, 16:16, 16:17, 17:5, 23:19, 23:22, 26:20, 31:1, 31:5, 31:6, 32:2, 32:6, 32:9, 35:19, 37:4, 44:24, 46:2, 46:3, 46:20, 49:2, 53:2, 53:17, 54:22, 55:18, 56:2, 57:6, 60:3, 60:14, 63:1, 64:5, 93:11, 95:5, 105:9, 105:10, 105:21, 108:12, 110:13, 110:15, 122:23, 123:5, 123:7, 129:2, 166:17</p> <p>numerous [1] - 62:11</p> <p>NUNEZ [1] - 1:8</p>	<p style="text-align: center;">O</p> <p>object [5] - 23:12, 70:11, 74:16, 79:18, 103:11</p> <p>Objection [1] - 66:25</p> <p>objection [27] - 23:4, 23:7, 23:22, 69:17, 70:18, 79:1, 79:7, 79:12, 81:23, 81:24, 82:21, 82:22, 83:17, 83:18, 83:21, 95:10, 95:11, 95:25, 96:1, 97:15, 103:15, 103:16, 104:12, 112:2, 112:3, 140:7, 148:25</p> <p>objections [1] - 78:25</p> <p>objective [2] - 65:14, 168:16</p> <p>obligation [1] - 8:15</p> <p>obstructing [1] - 6:7</p> <p>obviously [4] - 5:5, 46:12, 145:15, 172:18</p> <p>occur [9] - 6:20, 22:20, 26:21, 26:22, 43:22, 100:12, 113:11, 145:25, 155:16</p> <p>occurred [2] - 142:19, 142:21</p> <p>occurrence [1] - 165:8</p> <p>occurring [2] - 34:1, 82:7</p> <p>occurs [2] - 42:16, 88:25</p> <p>October [4] - 9:12, 28:9, 33:18, 126:3</p> <p>OF [7] - 1:1, 1:3, 1:14, 1:14, 1:15, 1:15, 2:2</p> <p>off-duty [1] - 154:5</p> <p>offer [3] - 74:13, 77:15, 84:20</p> <p>offered [9] - 79:9, 79:23, 84:6, 84:18, 100:16, 127:6, 132:2, 158:15, 165:9</p> <p>offering [1] - 84:5</p> <p>offers [1] - 116:7</p> <p>offhand [4] - 123:2, 131:9, 131:21, 132:1</p> <p>Office [8] - 2:18, 12:7, 12:8, 12:15, 17:18, 17:20, 18:1, 48:13</p> <p>office [3] - 112:23, 148:21, 167:4</p> <p>officer [10] - 11:25, 20:2, 77:17, 98:14, 134:24, 136:9, 137:4, 153:14, 153:15, 154:4</p> <p>officers [4] - 41:10, 98:11, 99:19, 100:3</p> <p>offices [1] - 167:17</p> <p>official [2] - 1:18, 36:13</p> <p>officials [2] - 7:14, 68:3</p> <p>offline [1] - 159:18</p> <p>offset [2] - 44:19, 45:20</p> <p>often [2] - 8:24, 158:4</p> <p>older [1] - 93:18</p> <p>OMB [18] - 12:11, 14:6, 18:16, 28:22, 30:20, 30:21, 30:25, 36:18, 37:17, 40:11, 48:19, 48:23, 50:13, 50:16, 52:2, 60:17, 68:3, 154:22</p> <p>once [12] - 14:20, 21:21, 45:4, 74:5, 99:3, 99:17, 107:19, 110:11, 110:23, 114:10, 120:12, 120:14</p> <p>one [72] - 4:22, 5:11, 5:15, 12:23, 19:18, 20:1, 20:19, 23:16, 25:18, 32:14, 38:11, 42:11, 43:18, 44:12, 46:1, 49:2,</p>	<p>51:3, 53:10, 53:25, 54:12, 55:8, 56:19, 56:20, 57:5, 58:4, 58:13, 64:12, 66:9, 67:2, 67:4, 68:19, 71:11, 72:6, 72:9, 72:14, 72:15, 85:3, 93:2, 94:16, 96:1, 98:6, 98:10, 105:9, 106:5, 106:13, 108:8, 108:12, 111:20, 115:4, 118:17, 118:19, 126:4, 133:9, 135:7, 137:16, 140:21, 141:22, 141:25, 144:6, 144:9, 144:17, 156:21, 157:3, 159:24, 160:21, 162:13, 163:13, 163:23, 164:17, 165:18, 166:2, 171:25</p> <p>One [2] - 71:13, 78:25</p> <p>one-third [1] - 44:12</p> <p>one-time [1] - 137:16</p> <p>ones [2] - 76:22, 105:1</p> <p>ongoing [5] - 4:10, 74:1, 126:16, 153:12, 153:17</p> <p>open [14] - 4:21, 22:5, 29:24, 30:12, 51:13, 67:18, 83:8, 83:9, 86:15, 86:19, 86:25, 90:17, 93:2, 93:3</p> <p>opening [1] - 109:7</p> <p>operate [2] - 62:5, 112:10</p> <p>operated [1] - 154:9</p> <p>operating [6] - 11:17, 65:17, 138:11, 154:23, 161:18, 162:4</p> <p>operation [1] - 160:16</p> <p>operational [8] - 15:22, 48:3, 64:21, 73:25, 77:16, 151:20, 152:1, 163:6</p> <p>operationally [1] - 25:7</p> <p>operations [5] - 11:21, 19:10, 63:16, 77:8, 151:15</p> <p>Operations [9] - 150:6, 150:21, 150:22, 151:6, 151:10, 151:12, 151:13, 155:3, 163:6</p> <p>operators [1] - 167:18</p> <p>opinion [4] - 50:22, 50:23, 79:20, 103:12</p> <p>opportunities [1] - 102:11</p> <p>opportunity [18] - 20:20, 23:10, 23:11, 65:5, 71:21, 71:22, 72:12, 72:20, 77:11, 79:4, 80:14, 91:24, 96:4, 121:23, 130:2, 138:18, 138:21, 138:25</p> <p>opposed [9] - 5:13, 7:12, 39:16, 64:23, 70:2, 71:10, 163:16, 163:20, 165:9</p> <p>optimal [1] - 7:21</p> <p>option [5] - 6:6, 21:3, 21:18, 118:22, 122:15</p> <p>options [2] - 18:15, 18:17</p> <p>oranges [1] - 45:15</p> <p>order [22] - 14:17, 15:6, 15:23, 69:13, 86:10, 100:13, 100:18, 103:22, 106:22, 108:20, 108:23, 124:13, 124:15, 124:17, 136:8, 138:8, 139:4, 144:21, 146:17, 165:11, 168:6, 172:7</p> <p>orders [1] - 154:24</p> <p>organization [1] - 104:22</p> <p>orientation [2] - 104:4, 104:8</p> <p>orientations [1] - 123:13</p> <p>original [3] - 59:18, 105:25, 110:11</p> <p>originally [3] - 38:19, 55:14, 106:20</p>
---	--	---

otherwise [2] - 23:13, 107:3
 ought [1] - 155:11
 out-of-court [1] - 8:23
 outcome [2] - 39:14, 43:16
 outfit [1] - 41:16
 outpacing [1] - 153:21
 outside [4] - 35:7, 59:17, 104:22, 142:1
 overall [5] - 32:23, 60:25, 61:1, 154:23, 156:19
 overriding [2] - 8:2, 172:19
 oversee [3] - 11:17, 151:13, 151:14
 overseen [1] - 12:11
 oversees [2] - 12:9, 160:8
 overtime [89] - 5:20, 7:13, 7:18, 7:20, 13:15, 13:16, 13:18, 13:22, 13:24, 13:25, 14:3, 14:8, 15:21, 16:4, 17:1, 17:9, 17:12, 21:19, 21:23, 26:1, 26:7, 33:10, 34:3, 34:14, 38:24, 38:25, 39:3, 39:9, 40:14, 41:14, 44:2, 44:15, 44:17, 44:22, 44:23, 45:1, 45:3, 45:4, 45:6, 46:8, 47:1, 47:3, 47:5, 53:9, 53:14, 53:21, 53:22, 60:20, 61:3, 61:6, 64:21, 64:22, 152:7, 152:11, 153:20, 157:19, 157:20, 157:22, 157:25, 158:8, 158:11, 158:12, 158:14, 158:15, 158:16, 158:19, 159:14, 159:19, 160:12, 161:17, 162:24, 164:18, 164:24, 165:5, 165:11, 165:13, 165:15, 165:18, 165:22, 165:25, 168:4, 168:6, 168:17, 168:24, 169:4, 170:14
 overturned [1] - 39:21
 overused [1] - 172:20
 own [4] - 100:1, 100:2, 100:22, 142:1

P

P.C [1] - 2:11
 p.m [3] - 149:21, 150:2, 172:24
 pace [1] - 152:7
 package [5] - 80:22, 81:1, 81:14, 82:18, 119:13
 packages [1] - 98:21
 PAGE [2] - 173:2, 174:10
 page [10] - 47:14, 49:20, 51:17, 52:7, 75:10, 87:7, 117:9, 117:13, 132:4, 149:23
 PAID [1] - 158:13
 paid [2] - 39:5, 158:12
 paper [1] - 71:16
 papers [2] - 6:4, 172:1
 paperwork [1] - 106:23
 PAR [3] - 30:19
 paragraph [1] - 28:2
 parallel [1] - 112:10
 pardon [1] - 31:5
 parenthesis [1] - 35:16
 PARs [2] - 48:17, 48:18
 part [27] - 7:5, 12:2, 13:16, 19:23,

24:25, 25:3, 25:24, 26:14, 38:4, 38:6, 50:1, 50:8, 64:7, 64:9, 80:11, 115:25, 116:11, 116:12, 121:5, 121:9, 130:25, 135:18, 141:25, 155:3, 160:19, 165:3, 171:9
 participate [1] - 12:1
 participated [1] - 12:2
 participating [1] - 68:6
 particular [8] - 27:8, 34:5, 124:5, 152:14, 155:1, 165:14, 167:5, 167:23
 particularly [6] - 5:8, 6:13, 12:19, 62:16, 71:3, 139:14
 parties [11] - 4:7, 10:1, 24:8, 24:10, 67:20, 74:16, 84:23, 96:7, 97:18, 169:21, 172:13
 parts [1] - 155:10
 pass [7] - 94:2, 100:18, 121:8, 121:13, 121:21, 121:25
 passed [5] - 74:6, 89:24, 124:6, 129:17, 133:12
 passes [2] - 86:18, 86:23
 passing [3] - 100:14, 103:21, 160:17
 past [6] - 60:18, 135:10, 144:18, 152:20, 153:18, 157:21
 patient [2] - 19:4, 153:5
 Paul [2] - 3:21, 170:12
 pause [2] - 156:24, 166:3
 pay [8] - 13:23, 13:24, 34:18, 41:6, 41:9, 42:2, 57:13, 172:1
 paying [5] - 14:7, 14:10, 39:8, 53:9, 61:6
 payment [1] - 34:21
 payroll [2] - 11:20, 64:13
 peace [4] - 98:11, 98:14, 136:9, 137:4
 PEG [5] - 17:14, 17:15, 17:16, 18:20, 154:24
 PEGs [3] - 22:15, 31:22, 51:3
 pending [6] - 119:6, 119:12, 120:5, 124:18, 124:23, 125:6
 Pennsylvania [1] - 2:3
 pension [5] - 14:11, 44:23, 45:10, 45:16, 47:9
 pensions [2] - 11:21, 46:7
 people [41] - 12:21, 16:23, 44:9, 47:5, 47:7, 47:8, 49:1, 56:13, 64:14, 65:21, 67:10, 84:13, 89:14, 91:17, 93:10, 93:14, 93:16, 113:14, 116:19, 121:8, 123:10, 124:3, 128:20, 128:21, 130:15, 133:14, 133:19, 133:21, 134:2, 134:16, 137:11, 137:16, 138:1, 138:5, 140:24, 142:2, 162:22, 167:20, 169:9, 169:12
 people's [1] - 130:11
 per [11] - 20:7, 20:18, 41:19, 44:9, 47:2, 56:24, 57:9, 62:20, 168:25
 percent [13] - 18:9, 18:11, 18:14, 18:16, 19:1, 152:25, 163:15, 163:22, 163:23, 164:4
 percentage [4] - 92:19, 143:22, 163:19
 percentages [2] - 69:22, 70:13
 perfect [2] - 9:9, 159:21

perfectly [1] - 65:21
 performed [1] - 154:9
 perhaps [3] - 59:24, 131:17, 140:22
 period [19] - 25:11, 44:16, 44:18, 45:7, 45:10, 58:15, 60:18, 66:19, 101:9, 113:24, 120:11, 125:19, 143:14, 143:15, 157:15, 161:9, 166:17, 169:6
 periods [2] - 16:3, 66:19
 permanent [4] - 86:5, 146:20, 146:23, 147:4
 permanently [5] - 131:3, 146:24, 147:5, 147:6, 147:17
 permission [7] - 28:19, 28:20, 28:21, 28:22, 76:2, 77:9, 150:5
 permit [3] - 4:11, 94:25, 106:11
 permitted [1] - 32:21
 perpetuity [1] - 61:8
 person [19] - 8:4, 21:13, 27:12, 37:7, 74:20, 85:8, 94:10, 94:11, 94:12, 94:15, 95:20, 107:4, 107:5, 108:2, 123:25, 124:8, 124:9, 134:21, 139:19
 person's [1] - 112:9
 person-power [2] - 8:4, 21:13
 personal [1] - 98:19
 Personal [1] - 48:19
 personally [1] - 124:25
 Personnel [3] - 28:7, 56:11, 168:9
 personnel [16] - 11:18, 13:3, 13:21, 15:16, 15:25, 25:16, 30:18, 31:19, 47:11, 50:20, 56:10, 84:11, 103:2, 115:10, 139:22
 persons [2] - 8:24, 45:20
 perspective [2] - 40:9, 77:17
 petition [1] - 62:6
 ph [2] - 25:15, 30:10
 phase [1] - 96:13
 PHB [1] - 2:3
 PhD [1] - 68:20
 phone [5] - 127:23, 127:24, 128:6, 140:23, 167:12
 phrase [1] - 157:10
 physical [22] - 63:11, 63:19, 79:13, 100:9, 100:18, 100:19, 100:22, 102:3, 102:4, 102:17, 102:19, 102:21, 103:6, 103:21, 103:25, 112:11, 121:3, 121:9, 121:21, 122:9, 129:6
 physically [1] - 63:25
 pick [1] - 35:20
 picked [1] - 146:23
 picture [2] - 15:15, 144:21
 piece [3] - 41:15, 71:5, 71:16
 pieces [1] - 160:16
 pilot [1] - 167:10
 place [19] - 8:9, 8:10, 12:18, 19:22, 36:25, 42:14, 45:18, 49:14, 50:5, 51:9, 94:12, 105:16, 107:6, 143:25, 145:12, 147:8, 158:12, 159:12
 placed [3] - 90:12, 90:16, 154:3
 placement [1] - 90:15
 places [2] - 136:23, 139:2

<p>placing [1] - 156:18</p> <p>Plaintiff [4] - 1:4, 1:11, 2:2, 2:11</p> <p>plaintiff [23] - 3:5, 3:8, 3:10, 3:12, 3:14, 3:16, 3:18, 3:20, 4:24, 10:1, 10:2, 69:2, 69:3, 69:15, 71:14, 72:1, 108:23, 148:13, 170:17, 172:14</p> <p>plaintiff-intervenor [1] - 170:17</p> <p>Plaintiff-Intervenors [1] - 1:11</p> <p>plaintiff-intervenors [9] - 3:14, 3:16, 3:18, 3:20, 4:24, 10:2, 71:14, 72:1, 148:13</p> <p>plaintiffs [1] - 71:14</p> <p>plan [10] - 20:13, 43:20, 49:10, 50:3, 50:5, 50:19, 56:9, 56:10, 57:10, 59:18</p> <p>planned [8] - 22:16, 25:24, 32:17, 48:16, 55:2, 55:4, 55:20, 114:18</p> <p>planning [3] - 9:21, 48:5, 162:19</p> <p>plans [1] - 30:14</p> <p>plausible [1] - 166:24</p> <p>play [2] - 44:25, 136:3</p> <p>played [2] - 35:23, 38:17</p> <p>playing [1] - 159:14</p> <p>Plaza [2] - 2:8, 2:23</p> <p>pleased [1] - 46:6</p> <p>plug [1] - 137:17</p> <p>plus [2] - 110:7, 161:16</p> <p>point [49] - 6:25, 7:1, 16:25, 26:3, 29:13, 30:11, 34:17, 35:20, 36:5, 37:17, 42:1, 43:22, 45:8, 46:17, 46:20, 50:7, 51:8, 52:8, 53:11, 70:9, 70:22, 70:24, 82:7, 84:16, 91:11, 94:15, 94:18, 94:20, 104:17, 106:17, 110:24, 114:22, 133:8, 141:13, 148:6, 148:19, 148:24, 152:9, 152:13, 152:14, 153:19, 153:21, 157:11, 157:15, 158:1, 158:3, 158:4, 159:2</p> <p>pointing [1] - 111:7</p> <p>points [5] - 71:5, 71:9, 71:10, 94:23, 110:21</p> <p>Police [5] - 18:5, 137:14, 138:12, 142:13, 142:14</p> <p>police [1] - 134:24</p> <p>policy [1] - 158:12</p> <p>pool [1] - 70:14</p> <p>population [1] - 160:11</p> <p>portion [4] - 103:21, 114:15, 121:3, 137:11</p> <p>portions [1] - 51:18</p> <p>pose [1] - 159:3</p> <p>posed [1] - 89:20</p> <p>posited [1] - 145:14</p> <p>positing [1] - 147:24</p> <p>position [27] - 5:16, 11:11, 11:13, 12:9, 12:23, 13:1, 14:16, 15:7, 15:10, 39:20, 42:8, 52:23, 63:15, 71:18, 72:8, 72:9, 72:11, 72:22, 73:13, 74:1, 74:3, 74:4, 106:13, 108:16, 149:2, 150:20, 162:7</p> <p>positions [6] - 12:22, 15:12, 41:13, 166:10</p>	<p>positive [1] - 123:15</p> <p>possibilities [1] - 61:21</p> <p>possibility [3] - 4:11, 67:18, 145:14</p> <p>possible [16] - 6:3, 6:18, 42:13, 60:24, 71:7, 73:9, 97:24, 118:24, 129:21, 137:14, 138:9, 146:15, 160:4, 160:23, 171:19</p> <p>possibly [9] - 9:4, 66:3, 99:20, 138:14, 139:2, 142:13, 155:5, 162:1, 171:21</p> <p>post [3] - 13:20, 17:12, 52:10</p> <p>postpone [1] - 39:14</p> <p>postponing [1] - 122:18</p> <p>potential [6] - 31:3, 39:22, 63:5, 64:22, 71:8, 113:6</p> <p>potentially [2] - 21:15, 42:6</p> <p>power [2] - 8:4, 21:13</p> <p>powers [1] - 154:22</p> <p>practice [1] - 100:21</p> <p>pre [1] - 167:9</p> <p>pre-relief [1] - 167:9</p> <p>precise [2] - 69:23, 168:20</p> <p>predicated [2] - 42:23, 57:6</p> <p>prefer [2] - 108:3, 108:4</p> <p>preliminarily [1] - 4:7</p> <p>preliminary [1] - 51:24</p> <p>premarked [2] - 10:23, 78:21</p> <p>premise [3] - 42:23, 43:6, 43:15</p> <p>prep [1] - 66:1</p> <p>preparation [3] - 67:24, 155:4, 172:19</p> <p>prepare [3] - 117:3, 118:1, 149:12</p> <p>prepared [10] - 52:2, 58:23, 68:24, 70:10, 104:21, 104:22, 105:11, 105:12, 117:4, 171:21</p> <p>preparedness [1] - 151:16</p> <p>preparing [2] - 8:19, 112:11</p> <p>present [9] - 6:18, 7:3, 56:4, 67:20, 71:24, 78:21, 81:16, 100:2, 169:20</p> <p>presentations [1] - 72:6</p> <p>presented [7] - 6:25, 69:5, 74:4, 80:10, 84:17, 113:10, 166:7</p> <p>presenting [1] - 65:6</p> <p>presently [3] - 11:9, 36:15, 150:18</p> <p>preserving [1] - 108:16</p> <p>pressing [1] - 8:8</p> <p>presumably [2] - 60:8, 145:22</p> <p>presumption [1] - 42:9</p> <p>pretty [4] - 54:1, 141:20, 144:20, 165:1</p> <p>previous [1] - 159:1</p> <p>previously [4] - 68:16, 80:6, 85:21, 167:3</p> <p>primary [2] - 70:1, 71:13</p> <p>printout [2] - 83:10, 83:11</p> <p>printouts [1] - 164:24</p> <p>priorities [1] - 172:17</p> <p>prioritize [1] - 172:20</p> <p>priority [2] - 172:17, 172:19</p> <p>private [2] - 135:1, 137:9</p> <p>privilege [1] - 84:2</p> <p>proactive [1] - 111:4</p>	<p>probable [1] - 60:24</p> <p>probationary [9] - 14:9, 15:20, 16:2, 34:13, 34:17, 40:24, 53:8, 57:14, 58:24</p> <p>probie [2] - 34:6, 57:9</p> <p>probies [2] - 34:6, 57:3</p> <p>problem [6] - 24:10, 71:11, 104:20, 166:18, 172:15, 172:16</p> <p>problematic [1] - 9:7</p> <p>problems [4] - 72:14, 157:13, 167:20</p> <p>procedure [2] - 71:9, 167:2</p> <p>proceed [2] - 92:10, 100:4</p> <p>proceeding [1] - 70:2</p> <p>Proceedings [1] - 2:25</p> <p>proceedings [1] - 172:25</p> <p>process [46] - 8:12, 9:14, 37:13, 42:16, 45:25, 61:4, 70:12, 71:20, 73:8, 74:7, 80:13, 82:19, 90:19, 100:10, 100:11, 101:3, 102:14, 109:13, 112:8, 113:6, 119:12, 121:3, 121:17, 121:20, 124:2, 124:7, 124:14, 124:22, 124:24, 127:20, 128:3, 130:22, 133:16, 133:20, 134:3, 134:4, 134:8, 134:20, 135:9, 135:10, 135:15, 136:12, 137:17, 140:22, 141:6, 141:18</p> <p>processed [12] - 72:12, 72:19, 86:19, 89:5, 90:20, 91:15, 103:22, 113:13, 116:5, 126:16, 143:1, 143:23</p> <p>processes [1] - 136:4</p> <p>processing [41] - 69:21, 69:22, 70:5, 70:11, 72:4, 72:20, 83:13, 89:11, 93:11, 95:19, 96:13, 96:15, 98:7, 98:8, 98:9, 110:6, 113:2, 114:8, 114:11, 114:14, 114:23, 114:24, 115:1, 115:2, 116:16, 117:6, 117:19, 118:5, 119:19, 119:20, 119:24, 120:2, 121:14, 124:18, 125:5, 128:16, 128:17, 128:18, 128:20, 133:11, 141:10</p> <p>procurement [1] - 11:20</p> <p>produce [1] - 77:7</p> <p>produced [1] - 2:25</p> <p>product [1] - 60:15</p> <p>professional [1] - 141:16</p> <p>professionalism [3] - 68:2, 68:6, 141:7</p> <p>professionals [1] - 65:10</p> <p>program [10] - 17:16, 25:24, 49:8, 100:15, 100:16, 104:13, 154:24, 167:10</p> <p>programs [2] - 22:15, 145:4</p> <p>project [2] - 29:15, 32:23</p> <p>projected [1] - 61:2</p> <p>projections [2] - 15:23, 32:22</p> <p>projects [1] - 166:11</p> <p>promo [3] - 90:17, 90:20, 146:18</p> <p>promote [1] - 16:21</p> <p>promoted [7] - 12:9, 63:23, 86:11, 147:6, 147:13, 151:4, 151:9</p> <p>promotion [2] - 86:7, 133:10</p> <p>promotional [9] - 86:2, 86:3, 86:17, 86:23, 88:8, 93:5, 111:19, 111:21, 147:25</p>
--	--	---

<p>Promotional ^[1] - 86:4 promotions ^[4] - 12:15, 26:13, 27:6, 64:6 prompt ^[1] - 67:23 promptly ^[1] - 140:24 promulgated ^[1] - 47:13 proper ^[1] - 107:12 proportion ^[3] - 130:18, 132:1, 143:9 proposal ^[2] - 30:17, 61:23 proposals ^[4] - 18:20, 50:12, 52:16, 62:7 proposed ^[8] - 20:15, 52:13, 60:21, 114:9, 115:22, 126:19, 126:23 protect ^[2] - 151:17, 155:22 protecting ^[1] - 156:4 prove ^[2] - 106:23, 146:9 provide ^[19] - 24:8, 30:25, 40:23, 66:4, 73:5, 81:6, 81:16, 93:24, 108:21, 109:2, 109:9, 110:10, 120:19, 134:6, 138:25, 139:4, 142:18, 142:20, 144:4 provided ^[12] - 24:9, 67:21, 69:20, 72:24, 81:5, 96:14, 97:21, 99:10, 101:5, 103:24, 110:24, 112:22 provides ^[8] - 69:4, 83:11, 100:17, 100:20, 102:9, 109:14, 110:23, 121:23 providing ^[9] - 8:3, 8:13, 16:11, 90:24, 93:20, 108:22, 109:6, 109:14, 145:5 provisional ^[4] - 147:1, 147:2, 147:3 prudent ^[1] - 8:17 psychological ^[3] - 99:17, 127:6, 141:25 public ^[14] - 31:4, 40:2, 50:22, 62:3, 62:9, 62:13, 74:2, 84:10, 84:15, 136:22, 151:17, 156:16, 159:4, 159:11 published ^[1] - 97:18 pulled ^[2] - 116:1, 117:10 pulling ^[1] - 156:2 purpose ^[1] - 8:12 pursue ^[1] - 28:11 put ^[38] - 5:1, 6:4, 6:12, 8:21, 22:2, 22:23, 24:7, 24:20, 26:20, 28:6, 31:13, 31:17, 40:17, 44:6, 44:10, 46:11, 49:14, 49:24, 50:5, 51:11, 51:12, 66:21, 74:13, 74:14, 82:18, 91:10, 105:13, 118:3, 123:3, 123:4, 124:8, 131:21, 137:1, 155:1, 159:25, 161:24, 161:25, 172:4 puts ^[1] - 48:14 putting ^[6] - 31:4, 44:8, 131:6, 136:12, 155:4, 172:3</p>	<p>143:23 qualifieds ^[1] - 116:24 qualify ^[4] - 121:19, 139:1, 144:1, 146:13 qualifying ^[1] - 141:10 quality ^[1] - 68:5 quantify ^[1] - 158:2 quarters ^[1] - 141:12 QUEENAN ^[1] - 76:9 Queenan ^[8] - 68:16, 76:3, 76:14, 80:5, 104:5, 109:14, 140:6, 141:4 Queens ^[2] - 151:8, 151:9 questioning ^[3] - 23:19, 65:16, 157:9 questions ^[30] - 4:22, 7:11, 38:11, 38:14, 53:3, 54:5, 57:21, 63:20, 65:23, 67:23, 68:4, 68:17, 70:25, 79:5, 97:22, 111:20, 115:13, 115:14, 135:20, 141:22, 143:19, 143:20, 147:24, 148:11, 151:23, 157:3, 163:13, 167:6, 167:11, 167:12 quibbling ^[1] - 135:25 quick ^[1] - 147:20 quicker ^[1] - 160:22 quickly ^[3] - 73:9, 97:24, 135:9 quota ^[4] - 25:5, 25:12, 26:1, 29:13 quote ^[1] - 131:15</p>	<p>reactivated ^[1] - 133:8 read ^[3] - 8:25, 81:4, 168:8 readiness ^[1] - 151:16 ready ^[6] - 31:19, 42:8, 75:6, 77:1, 116:7, 122:9 real ^[3] - 98:8, 109:12, 135:8 realistically ^[1] - 166:21 really ^[32] - 5:12, 5:21, 7:13, 28:22, 37:21, 46:8, 56:14, 59:5, 64:6, 65:16, 74:7, 98:9, 101:2, 108:24, 109:18, 110:25, 123:15, 125:20, 134:1, 136:5, 136:10, 136:12, 138:10, 138:13, 139:3, 140:4, 157:18, 159:1, 159:5, 160:7, 169:24 reask ^[1] - 135:23 reason ^[8] - 29:22, 57:16, 78:17, 90:23, 104:6, 106:16, 116:13, 128:8 reasonable ^[1] - 135:4 reasons ^[2] - 40:12, 127:4 reassigned ^[3] - 21:12, 21:13, 107:5 recalculating ^[1] - 110:15 receipt ^[1] - 168:1 receive ^[5] - 46:6, 79:9, 94:23, 106:23, 121:10 received ^[19] - 10:2, 23:8, 23:14, 23:22, 24:16, 28:20, 37:21, 79:2, 82:23, 84:7, 95:12, 96:2, 96:6, 97:3, 97:17, 108:19, 110:7, 112:6, 115:9 receiving ^[2] - 101:22, 101:24 recent ^[1] - 164:2 recently ^[2] - 23:23, 107:1 recess ^[1] - 149:22 Recess ^[1] - 75:9 recommendation ^[1] - 29:22 recommendations ^[1] - 163:7 recommended ^[2] - 28:6, 38:19 recommending ^[1] - 163:4 reconcile ^[1] - 117:18 reconciled ^[2] - 106:2, 111:14 record ^[20] - 5:12, 5:13, 7:15, 7:16, 8:21, 10:16, 73:12, 74:17, 76:12, 115:6, 115:8, 131:21, 141:19, 141:23, 144:11, 150:12, 152:20, 158:14, 172:8 recorded ^[1] - 2:25 records ^[2] - 112:12, 143:10 Recruitment ^[3] - 127:22, 128:9 recruits ^[1] - 125:18 redeploy ^[1] - 21:18 REDIRECT ^[2] - 147:22, 173:20 redistributed ^[1] - 156:18 reduce ^[17] - 14:3, 17:19, 18:18, 19:18, 20:6, 21:23, 25:3, 25:24, 26:1, 28:11, 36:22, 40:19, 43:25, 53:23, 58:23, 62:1, 62:8 reduced ^[3] - 20:17, 21:22, 30:5 reducing ^[6] - 19:13, 19:14, 20:20, 27:7, 31:21, 154:23 reduction ^[9] - 20:16, 36:10, 36:11, 43:21, 46:23, 50:1, 50:11, 52:9, 60:24 reductions ^[3] - 31:17, 49:16, 60:22</p>
<p>Q</p>	<p>R</p>	
<p>Q-U-E-E-N-A-N ^[1] - 76:14 qualifications ^[1] - 111:25 qualified ^[26] - 28:7, 84:13, 87:5, 88:8, 92:18, 100:4, 113:7, 116:6, 116:9, 116:11, 116:12, 116:20, 116:23, 116:25, 120:3, 123:25, 124:14, 126:8, 126:24, 127:1, 127:3, 127:5, 133:6,</p>	<p>race ^[12] - 85:6, 85:10, 96:9, 96:10, 96:11, 117:5, 117:15, 117:18, 117:20, 118:10, 118:14, 119:1 racial ^[1] - 131:13 raised ^[10] - 7:11, 7:13, 7:17, 31:24, 38:4, 38:11, 68:17, 96:2, 151:19, 151:23 raising ^[4] - 19:8, 60:24, 61:1, 61:4 ramifications ^[1] - 155:6 ran ^[4] - 32:1, 46:19, 56:4, 107:1 range ^[2] - 4:20, 158:19 rank ^[10] - 16:23, 27:6, 27:9, 64:9, 106:22, 123:8, 123:24, 138:8, 152:10, 162:22 ranking ^[1] - 54:18 ranks ^[2] - 47:11, 54:17 rate ^[9] - 17:8, 19:5, 27:15, 44:9, 46:16, 71:1, 153:22, 163:22 rates ^[2] - 61:2, 83:12 Rather ^[1] - 53:2 rather ^[6] - 63:18, 65:7, 108:4, 109:5, 131:21, 143:1 ratio ^[1] - 57:5 RATNER ^[1] - 2:11 reach ^[7] - 6:8, 113:7, 127:23, 128:10, 128:15, 130:14, 143:5 reachable ^[1] - 130:7 reached ^[7] - 4:12, 7:7, 89:25, 91:4, 112:9, 116:14, 144:22 reaching ^[1] - 130:11</p>	

<p>reference [2] - 7:2, 99:7</p> <p>references [3] - 98:19, 134:6, 140:6</p> <p>referring [3] - 28:1, 85:1, 85:14</p> <p>refine [1] - 131:5</p> <p>reflected [1] - 62:6</p> <p>reflection [4] - 43:4, 43:5, 43:6, 68:5</p> <p>reflects [1] - 115:8</p> <p>refundable [1] - 9:21</p> <p>regard [6] - 4:17, 8:19, 11:23, 144:11, 166:18, 172:12</p> <p>regarding [16] - 72:15, 79:21, 80:6, 85:16, 94:13, 96:15, 103:12, 105:6, 111:21, 151:19, 151:24, 152:1, 153:9, 154:19, 155:20, 168:4</p> <p>regardless [2] - 124:23, 134:1</p> <p>regards [1] - 99:7</p> <p>regular [2] - 26:23, 171:15</p> <p>reiterate [1] - 53:8</p> <p>related [4] - 4:10, 42:6, 50:12, 50:13</p> <p>relating [1] - 71:8</p> <p>relations [1] - 11:24</p> <p>releases [1] - 51:23</p> <p>relevance [4] - 69:25, 71:7, 74:11, 79:20</p> <p>relevancy [1] - 69:19</p> <p>relevant [10] - 70:2, 70:22, 71:3, 71:25, 74:10, 74:12, 74:13, 103:13, 103:17, 109:19</p> <p>relief [1] - 167:9</p> <p>rely [1] - 99:13</p> <p>relying [1] - 139:14</p> <p>remain [1] - 95:24</p> <p>remainder [1] - 49:10</p> <p>remained [2] - 159:22, 167:25</p> <p>remaining [2] - 111:18, 133:7</p> <p>remains [1] - 19:16</p> <p>remember [8] - 80:5, 80:16, 81:8, 85:24, 98:11, 131:21, 138:15, 172:16</p> <p>remembered [1] - 100:24</p> <p>remind [1] - 81:11</p> <p>removal [2] - 107:6, 153:5</p> <p>removed [1] - 110:24</p> <p>renewed [1] - 20:5</p> <p>replacement [1] - 26:6</p> <p>reply [1] - 172:1</p> <p>report [10] - 85:11, 93:23, 118:11, 118:15, 119:2, 120:15, 120:23, 126:8, 126:25, 127:20</p> <p>reported [2] - 111:11, 117:12</p> <p>Reporter [1] - 2:22</p> <p>reports [1] - 48:19</p> <p>represent [4] - 43:8, 43:10, 48:22, 92:19</p> <p>represents [6] - 92:15, 92:21, 95:15, 96:20, 97:7</p> <p>request [12] - 24:8, 30:11, 30:18, 43:2, 48:19, 76:16, 90:12, 108:20, 120:23, 137:18, 139:25, 163:3</p> <p>requested [3] - 48:23, 67:17, 81:7</p>	<p>requesting [5] - 30:20, 37:5, 48:21, 49:1, 110:21</p> <p>requests [1] - 56:11</p> <p>require [6] - 19:8, 61:18, 98:25, 99:10, 143:5, 145:18</p> <p>required [12] - 14:21, 14:22, 49:9, 49:24, 63:20, 64:15, 72:4, 98:24, 101:23, 128:4, 137:5, 141:8</p> <p>requirement [2] - 77:17, 146:10</p> <p>requirements [4] - 98:14, 98:15, 136:8, 137:2</p> <p>requires [3] - 13:2, 43:23, 98:18</p> <p>requiring [1] - 69:6</p> <p>rescue [1] - 154:10</p> <p>reserve [4] - 23:11, 57:23, 74:10, 79:5</p> <p>residency [2] - 110:17</p> <p>residential [1] - 156:16</p> <p>residents [1] - 155:23</p> <p>resign [1] - 16:20</p> <p>resignations [1] - 27:4</p> <p>resolution [7] - 4:12, 5:1, 5:7, 5:10, 8:17, 46:9, 171:20</p> <p>resolve [1] - 99:18</p> <p>resources [3] - 103:2, 141:9, 156:2</p> <p>respect [7] - 7:10, 8:2, 26:18, 37:25, 65:17, 66:19, 78:25</p> <p>respond [5] - 64:4, 126:20, 148:19, 153:1, 155:8</p> <p>Responders [1] - 153:4</p> <p>response [18] - 40:25, 62:12, 62:21, 63:22, 139:5, 148:14, 151:21, 152:20, 156:1, 156:13, 166:14, 166:16, 166:18, 166:20, 166:21, 166:24, 167:24, 172:11</p> <p>Response [1] - 62:22</p> <p>response-wise [1] - 152:20</p> <p>responses [2] - 152:19, 152:25</p> <p>responsibilities [1] - 11:23</p> <p>responsibility [1] - 99:6</p> <p>responsive [2] - 31:24, 97:21</p> <p>rest [3] - 13:22, 20:3, 138:1</p> <p>restoration [4] - 27:24, 28:2, 51:15, 52:22</p> <p>restore [3] - 22:4, 22:22, 63:8</p> <p>restored [9] - 27:23, 28:4, 29:23, 40:10, 51:8, 51:14, 52:23, 63:10</p> <p>restores [1] - 63:8</p> <p>result [5] - 7:20, 26:2, 26:11, 40:6, 42:21</p> <p>results [1] - 140:4</p> <p>resume [1] - 149:9</p> <p>retire [4] - 16:20, 16:23, 44:23, 45:3</p> <p>retired [2] - 64:7, 162:22</p> <p>retirement [6] - 27:3, 45:21, 153:19, 154:14, 154:15, 160:11</p> <p>retirements [7] - 26:21, 26:23, 26:24, 26:25, 27:3</p> <p>retires [1] - 153:13</p> <p>return [8] - 67:19, 80:21, 89:20, 90:10, 101:17, 135:4, 140:15</p>	<p>returned [2] - 102:1, 134:14</p> <p>returning [2] - 41:20, 88:19</p> <p>returns [1] - 90:14</p> <p>revenue [5] - 11:19, 19:7, 36:23, 49:17, 154:14</p> <p>review [8] - 18:16, 23:10, 79:4, 80:20, 93:24, 102:22, 112:11, 146:3</p> <p>reviewed [1] - 4:22</p> <p>reviews [1] - 91:25</p> <p>RICHARD [1] - 2:13</p> <p>Richard [1] - 3:13</p> <p>Rights [2] - 2:2, 8:15</p> <p>RIGHTS [1] - 2:15</p> <p>rise [1] - 25:2</p> <p>risk [4] - 31:4, 152:5, 161:9, 161:22</p> <p>Robert [2] - 150:6, 150:13</p> <p>ROGER [1] - 1:8</p> <p>role [5] - 12:24, 111:2, 111:4, 155:2, 155:3</p> <p>roll [1] - 49:2</p> <p>rolls [1] - 33:21</p> <p>rookie [2] - 14:9, 14:10</p> <p>room [1] - 46:5</p> <p>roster [6] - 13:17, 46:23, 105:8, 111:18, 157:22, 165:21</p> <p>rosters [1] - 96:13</p> <p>rough [1] - 168:21</p> <p>roughly [10] - 13:18, 13:21, 16:23, 33:6, 46:21, 57:5, 129:24, 129:25, 131:13, 164:22</p> <p>row [3] - 55:10, 85:4, 105:19</p> <p>rule [2] - 8:6, 79:24</p> <p>ruled [1] - 7:14</p> <p>rules [1] - 94:24</p> <p>run [11] - 20:3, 33:19, 46:19, 56:15, 61:1, 65:19, 73:6, 116:4, 126:4, 163:16, 163:20</p> <p>running [3] - 26:6, 44:2, 47:1</p> <p>runs [3] - 23:20, 153:1, 153:5</p> <p>Rush [7] - 10:6, 10:17, 54:12, 57:23, 58:3, 59:6, 59:12</p>
S		
<p>safely [1] - 62:5</p> <p>safety [14] - 39:25, 40:2, 50:22, 61:18, 62:3, 62:9, 62:13, 64:22, 74:2, 152:13, 156:15, 159:4, 159:11, 159:23</p> <p>salaries [3] - 39:10, 45:20, 55:17</p> <p>salary [10] - 36:4, 39:5, 41:7, 41:24, 44:19, 45:10, 45:22, 55:12, 55:14, 57:13</p> <p>Samant [1] - 3:19</p> <p>SAMANT [2] - 2:15, 3:19</p> <p>sanctioned [1] - 6:5</p> <p>Sanitation [1] - 18:6</p> <p>save [2] - 32:11, 61:5</p> <p>saved [1] - 39:3</p> <p>saves [1] - 32:1</p>		

<p>saving [6] - 14:6, 34:5, 38:24, 41:21, 55:16</p> <p>savings [12] - 18:10, 21:14, 36:4, 41:23, 41:24, 41:25, 44:19, 50:2, 54:24, 55:12, 55:14, 61:7</p> <p>scenario [1] - 33:19</p> <p>scene [4] - 63:25, 64:1, 64:6, 64:7</p> <p>SCHACHNER [2] - 2:9, 3:11</p> <p>Schachner [1] - 3:12</p> <p>schedule [3] - 27:14, 120:20, 125:20</p> <p>scheduled [11] - 13:14, 13:15, 27:23, 52:24, 55:15, 120:22, 165:15, 165:21, 171:4, 171:15, 171:20</p> <p>scheduling [2] - 120:19, 171:11</p> <p>school [6] - 14:10, 57:14, 134:12, 144:11, 144:18, 144:19</p> <p>schools [6] - 101:23, 113:3, 139:16, 139:18, 139:20</p> <p>Scoppetta [1] - 38:20</p> <p>SCOPPETTA [1] - 1:18</p> <p>score [2] - 94:12, 121:4</p> <p>screen [1] - 167:19</p> <p>se [1] - 168:25</p> <p>sealed [1] - 84:11</p> <p>search [1] - 101:9</p> <p>searching [1] - 5:14</p> <p>season [1] - 152:22</p> <p>seated [4] - 3:1, 76:1, 150:1, 150:10</p> <p>second [9] - 35:12, 73:3, 79:14, 93:5, 105:17, 105:19, 105:20, 105:23, 105:24</p> <p>section [2] - 52:4, 56:24</p> <p>Section [1] - 2:3</p> <p>Security [1] - 129:2</p> <p>see [29] - 5:5, 5:23, 7:5, 7:22, 24:24, 28:23, 37:24, 48:2, 48:17, 49:4, 66:2, 67:25, 71:3, 71:8, 73:10, 85:5, 95:5, 105:20, 106:4, 108:9, 114:17, 118:3, 122:19, 129:2, 139:13, 147:12, 149:16, 166:1, 172:15</p> <p>SEELEY [22] - 2:4, 3:4, 4:19, 23:6, 54:7, 54:11, 57:19, 73:11, 73:17, 74:24, 115:15, 157:3, 157:5, 161:1, 161:3, 170:9, 170:19, 171:4, 171:11, 171:23, 173:9, 174:2</p> <p>Seeley [2] - 3:4, 115:14</p> <p>Segment [1] - 153:2</p> <p>segment [1] - 154:16</p> <p>select [1] - 63:20</p> <p>selected [1] - 80:15</p> <p>selecting [1] - 107:11</p> <p>selection [3] - 71:9, 71:20, 107:21</p> <p>self [6] - 82:15, 85:12, 117:12, 118:2, 118:7, 119:2</p> <p>self-disclose [1] - 85:12</p> <p>self-identifying [1] - 82:15</p> <p>send [14] - 98:18, 99:8, 104:13, 126:14, 126:19, 126:20, 127:17, 127:21, 134:11, 134:12, 140:17, 140:23, 167:18, 172:6</p> <p>sending [4] - 101:3, 112:20, 113:2,</p>	<p>135:3</p> <p>sends [3] - 56:10, 56:11, 101:14</p> <p>senior [11] - 12:14, 17:11, 45:19, 153:14, 153:19, 154:3, 154:6, 154:13, 158:10, 158:18, 160:13</p> <p>seniority [2] - 153:25, 158:10</p> <p>sense [8] - 5:2, 5:22, 45:3, 50:7, 53:13, 137:25, 143:22, 162:21</p> <p>sensible [1] - 8:17</p> <p>sensitive [1] - 8:22</p> <p>sent [3] - 38:14, 81:1, 101:25</p> <p>September [5] - 43:20, 44:7, 113:21, 125:9, 172:5</p> <p>September/to [1] - 32:3</p> <p>series [7] - 10:20, 12:14, 70:10, 76:21, 76:22, 79:2, 167:6</p> <p>serious [3] - 62:16, 62:19, 70:25</p> <p>serve [6] - 41:11, 146:19, 146:21, 146:24, 151:16, 155:23</p> <p>served [4] - 131:3, 147:6, 151:4, 151:8</p> <p>Service [3] - 89:24, 107:25, 127:8</p> <p>service [19] - 18:25, 19:1, 19:10, 26:22, 26:23, 27:3, 65:11, 86:10, 90:5, 90:10, 90:24, 93:20, 93:21, 93:23, 131:7, 146:24, 147:4, 156:1, 169:25</p> <p>SERVICES [1] - 1:16</p> <p>services [3] - 11:18, 11:19, 86:6</p> <p>Services [1] - 90:11</p> <p>serving [1] - 90:24</p> <p>session [4] - 104:4, 104:8, 119:10, 171:19</p> <p>set [7] - 9:12, 18:8, 31:18, 64:13, 112:5, 115:10, 157:18</p> <p>seven [3] - 85:3, 125:18, 151:3</p> <p>several [8] - 14:2, 14:4, 17:24, 27:15, 52:8, 59:2, 116:24, 147:24</p> <p>shape [1] - 122:2</p> <p>Sharon [1] - 3:4</p> <p>SHARON [1] - 2:4</p> <p>shave [1] - 18:14</p> <p>short [11] - 61:5, 61:6, 75:4, 151:21, 152:2, 152:4, 152:8, 157:11, 162:15, 162:19, 169:24</p> <p>short-term [9] - 61:5, 61:6, 151:21, 152:2, 152:4, 152:8, 157:11, 162:15, 162:19</p> <p>shortened [3] - 138:14, 143:18, 167:10</p> <p>shortening [1] - 136:11</p> <p>shorter [3] - 58:10, 143:16, 143:17</p> <p>shortfall [1] - 72:16</p> <p>shortly [1] - 154:19</p> <p>show [7] - 32:1, 35:3, 44:3, 54:23, 55:19, 71:7, 72:21</p> <p>showed [1] - 54:14</p> <p>showing [2] - 39:8, 48:24</p> <p>shown [2] - 55:1, 55:9</p> <p>shows [6] - 38:10, 39:11, 52:22, 72:18, 115:22, 116:16</p> <p>sick [1] - 16:10</p>	<p>side [6] - 17:5, 151:15, 151:16, 152:24, 164:4</p> <p>sidebar [1] - 92:7</p> <p>sides [1] - 133:23</p> <p>sign [1] - 128:4</p> <p>significant [4] - 45:7, 71:15, 71:25, 161:9</p> <p>significantly [1] - 25:2</p> <p>similar [6] - 22:1, 48:14, 52:21, 102:12, 158:7, 159:16</p> <p>similarities [1] - 117:23</p> <p>similarly [2] - 1:9, 70:10</p> <p>simple [1] - 54:12</p> <p>simply [10] - 21:2, 65:4, 73:8, 95:19, 96:23, 106:7, 109:9, 109:14, 121:13, 136:19</p> <p>simultaneously [3] - 100:7, 121:1</p> <p>single [2] - 8:25, 14:16</p> <p>Siskin [1] - 72:16</p> <p>sit [1] - 134:19</p> <p>site [1] - 159:18</p> <p>situated [1] - 1:9</p> <p>situation [5] - 25:16, 45:8, 121:13, 137:22, 155:2</p> <p>situations [2] - 19:17, 135:10</p> <p>six [19] - 12:7, 13:24, 21:6, 21:8, 42:15, 85:3, 113:9, 113:11, 119:20, 120:3, 128:22, 134:8, 144:15, 146:9, 146:11, 159:3, 159:11, 159:23, 167:10</p> <p>six-month [1] - 134:8</p> <p>size [1] - 125:21</p> <p>sizes [1] - 55:19</p> <p>sketch [1] - 166:16</p> <p>slightly [1] - 18:7</p> <p>slot [1] - 64:10</p> <p>smaller [4] - 30:5, 30:7, 70:16, 133:13</p> <p>snowballing [1] - 160:1</p> <p>Social [1] - 129:1</p> <p>SOCIETY [1] - 1:6</p> <p>Society [3] - 3:22, 3:24, 4:24</p> <p>solicit [1] - 142:24</p> <p>someone [18] - 33:12, 63:23, 64:18, 64:23, 65:13, 93:19, 93:21, 94:4, 94:7, 106:19, 111:8, 123:23, 129:9, 129:10, 133:11, 134:9, 144:13, 144:22</p> <p>sometime [2] - 74:5, 96:11</p> <p>sometimes [7] - 18:3, 29:19, 56:11, 67:12, 99:1, 165:15</p> <p>somewhat [4] - 12:24, 33:19, 43:25, 133:18</p> <p>somewhere [1] - 62:25</p> <p>soon [1] - 24:12</p> <p>sooner [3] - 46:11, 46:12, 101:15</p> <p>sorry [21] - 14:20, 14:24, 21:25, 23:17, 33:8, 67:3, 88:13, 92:4, 94:5, 97:3, 110:12, 115:16, 119:23, 123:5, 126:19, 129:8, 129:15, 144:9, 144:16, 159:7, 159:9</p> <p>sort [10] - 6:13, 15:15, 15:24, 17:1,</p>
---	--	---

<p>21:1, 37:1, 40:2, 100:7, 155:11, 171:10 sound [2] - 66:15, 100:25 source [2] - 101:17, 142:17 sources [1] - 142:16 southern [1] - 151:8 space [3] - 16:7, 56:8, 85:4 speaking [6] - 12:3, 12:20, 13:7, 13:25, 18:4, 20:10 Special [9] - 4:10, 4:13, 8:19, 9:5, 151:6, 170:23, 171:6, 171:10, 171:18 special [14] - 89:22, 89:23, 90:12, 91:17, 91:19, 93:8, 93:13, 135:7, 135:16, 137:10, 137:15, 137:20, 137:24, 138:6 specialist [1] - 100:2 specific [7] - 68:17, 135:19, 141:5, 142:6, 151:19, 157:17, 158:16 specifically [16] - 23:2, 42:12, 49:21, 53:4, 68:24, 72:12, 80:9, 82:25, 84:25, 85:19, 103:17, 103:23, 106:6, 108:16, 111:6, 159:1 specifics [3] - 105:6, 109:18, 139:6 speed [2] - 98:8, 141:9 spell [3] - 10:15, 76:11, 150:11 spend [1] - 34:16 spending [2] - 34:13 Sports [3] - 100:21, 104:15, 104:16 spread [1] - 158:9 spreadsheet [1] - 92:15 spreadsheets [1] - 96:14 spring [3] - 51:19, 162:12 springtime [1] - 50:10 staff [15] - 12:21, 13:3, 14:17, 14:20, 14:22, 53:22, 61:9, 62:1, 64:15, 125:2, 133:21, 141:2, 142:4, 142:6, 152:4 staffing [31] - 8:13, 12:25, 13:4, 13:17, 14:14, 14:20, 14:21, 15:16, 16:8, 17:1, 19:12, 19:13, 19:14, 19:16, 19:18, 20:7, 21:21, 31:16, 46:23, 50:7, 50:17, 53:21, 53:23, 138:12, 143:7, 152:6, 157:19, 157:22, 159:14, 165:22, 166:20 staffs [1] - 142:10 stage [1] - 109:19 staggered [1] - 67:9 stand [6] - 10:11, 89:17, 139:13, 141:4, 141:21, 148:17 standard [2] - 136:21, 144:13 standards [3] - 144:2, 144:12, 146:3 standpoint [5] - 4:23, 5:8, 34:7, 46:10, 66:14 start [14] - 14:23, 14:25, 15:1, 15:2, 15:6, 26:6, 36:16, 49:25, 92:1, 114:8, 139:18, 165:4 started [6] - 12:12, 25:15, 45:4, 126:3, 127:19, 166:11 starting [3] - 35:20, 36:7, 44:7 starts [3] - 22:8, 51:20, 153:11 state [8] - 10:15, 19:9, 40:8, 52:3, 73:11, 76:11, 98:23, 150:11 State [2] - 98:25, 108:3</p>	<p>statement [2] - 163:1, 163:14 statements [1] - 7:20 STATES [2] - 1:1, 1:3 States [12] - 1:24, 2:7, 3:5, 3:8, 3:10, 3:12, 54:5, 67:18, 104:4, 142:23, 170:7, 172:2 States' [2] - 73:13, 79:17 stating [2] - 128:4, 165:3 station [1] - 41:18 stations [1] - 21:20 statistical [1] - 144:4 statistician [1] - 68:23 statistics [3] - 67:21, 73:23, 166:16 status [20] - 83:12, 83:13, 94:24, 95:19, 110:5, 110:17, 110:18, 111:8, 111:22, 116:16, 116:19, 118:15, 119:1, 119:5, 119:12, 124:18, 124:23, 125:6, 128:6, 136:9 statuses [1] - 89:15 stay [6] - 6:23, 9:13, 55:20, 56:14, 101:20, 167:12 stayed [1] - 170:12 steadily [1] - 157:25 stenography [1] - 2:25 step [3] - 102:3, 128:7, 128:10 Stephen [2] - 10:6, 10:17 steps [7] - 12:17, 74:7, 131:6, 137:7, 137:8, 170:4 still [18] - 17:6, 29:13, 37:12, 62:7, 64:7, 72:21, 89:7, 91:17, 114:13, 124:17, 125:4, 145:20, 146:2, 146:3, 146:17, 146:18, 162:21 stop [3] - 114:22, 115:1, 115:2 story [1] - 42:24 straight [3] - 17:2, 168:17, 168:18 straightforward [1] - 144:20 strategies [1] - 161:14 street [1] - 65:19 Street [1] - 2:19 strength [11] - 15:4, 24:24, 25:2, 25:25, 28:5, 29:19, 29:21, 44:17, 46:22, 100:19, 162:5 stress [6] - 152:9, 152:12, 159:20, 160:5, 160:23, 166:23 stresses [2] - 158:14, 159:24 stressful [2] - 158:5 stressing [1] - 153:8 strictly [4] - 31:4, 31:12, 50:21, 151:15 strongly [1] - 66:4 structural [7] - 62:20, 62:25, 152:21, 160:17, 164:8, 164:10, 164:13 structure [1] - 19:5 structured [1] - 63:7 student [1] - 139:22 studies [2] - 163:18, 163:21 subgroup [1] - 113:7 subject [17] - 7:17, 7:25, 8:1, 9:1, 23:25, 46:2, 51:25, 59:8, 59:9, 74:8, 77:16, 79:10, 96:5, 111:25, 112:2,</p>	<p>112:4, 152:2 submit [1] - 99:10 submitted [2] - 72:10, 110:20 subpoena [1] - 59:7 subsequently [1] - 45:2 subset [1] - 105:8 substantial [1] - 159:4 substantially [1] - 62:17 substantive [1] - 79:12 success [1] - 100:14 successful [1] - 121:24 successfully [1] - 121:25 succinct [1] - 78:17 succinctly [1] - 53:3 sufficient [1] - 7:8 suggest [1] - 6:4 suggested [3] - 6:6, 77:15, 171:5 suggesting [2] - 45:6, 53:13 summarize [1] - 34:25 summarized [1] - 71:6 summarizes [1] - 49:13 summary [10] - 51:6, 68:24, 68:25, 69:5, 72:13, 72:14, 117:3, 117:6, 117:15, 118:5 summation [2] - 49:7, 49:16 summer [2] - 16:3, 32:20 summing [1] - 56:5 supervise [2] - 64:1, 154:4 supervised [1] - 153:16 support [3] - 19:5, 23:19, 63:12 suppose [1] - 166:11 supposed [2] - 125:15, 164:25 surely [1] - 156:23 surface [1] - 113:23 surplus [2] - 21:22, 34:4 sustained [1] - 140:8 sustaining [1] - 104:11 swear [1] - 76:8 SWEDISH [5] - 2:5, 3:9, 69:17, 70:4, 70:9 Swedish [1] - 3:10 Sweeney [4] - 150:6, 150:7, 150:13, 161:7 sworn [4] - 10:11, 10:13, 76:10, 150:9 sympathize [1] - 8:11 system [6] - 45:16, 138:7, 152:12, 159:25, 160:5, 160:24</p>
T		
<p>table [5] - 21:9, 52:8, 62:8, 63:5, 155:1 target [1] - 18:8 targets [11] - 17:18, 18:2, 18:3, 18:7, 18:8, 19:11, 36:10, 36:11, 37:2, 37:3, 37:14 Task [1] - 12:9 task [1] - 12:11 tasked [2] - 154:22, 156:13 taxes [1] - 19:8</p>		

<p>taxiing [1] - 153:5</p> <p>technical [2] - 7:11, 49:18</p> <p>technically [1] - 41:12</p> <p>technicians [2] - 86:5, 86:6</p> <p>temporary [1] - 9:13</p> <p>ten [8] - 23:9, 100:10, 105:2, 126:20, 129:11, 137:19, 159:19</p> <p>term [22] - 17:14, 39:15, 53:17, 53:19, 61:5, 61:6, 61:14, 95:18, 100:25, 151:21, 151:22, 152:2, 152:3, 152:4, 152:8, 153:6, 157:11, 162:15, 162:19, 162:20, 162:24</p> <p>terminated [1] - 57:16</p> <p>terminations [1] - 27:5</p> <p>terms [9] - 5:8, 5:9, 30:25, 45:17, 46:7, 63:16, 136:7, 166:14, 172:17</p> <p>terrorist [1] - 159:16</p> <p>test [27] - 8:9, 8:20, 46:9, 46:12, 71:10, 74:6, 79:14, 100:9, 100:19, 102:21, 121:3, 121:8, 121:14, 121:21, 122:13, 122:16, 138:8, 144:20, 145:15, 149:3, 170:25, 171:3, 172:4, 172:20</p> <p>tested [1] - 102:12</p> <p>testified [13] - 10:13, 62:10, 63:18, 66:11, 76:10, 85:21, 104:5, 116:15, 118:9, 119:20, 122:20, 125:8, 150:9</p> <p>testifies [2] - 77:24, 78:2</p> <p>testify [2] - 7:24, 58:6</p> <p>testifying [1] - 140:8</p> <p>testimony [19] - 4:6, 7:23, 7:25, 69:7, 71:8, 79:20, 80:6, 80:12, 80:16, 81:8, 100:24, 104:12, 104:19, 124:2, 124:16, 135:13, 141:6, 151:18, 152:17</p> <p>testing [1] - 100:10</p> <p>tests [2] - 38:1, 88:15</p> <p>THE [425] - 1:14, 1:14, 3:1, 3:6, 4:4, 4:6, 6:1, 6:9, 7:9, 9:8, 9:10, 9:12, 9:20, 9:23, 10:1, 10:4, 10:9, 10:15, 10:17, 10:18, 10:22, 11:1, 11:3, 13:9, 13:10, 13:11, 13:12, 21:25, 22:1, 22:10, 22:11, 22:12, 23:4, 23:13, 23:17, 23:24, 24:1, 24:3, 24:7, 24:14, 28:12, 28:13, 28:15, 28:16, 28:17, 28:18, 28:21, 28:22, 28:23, 29:7, 29:8, 29:9, 29:10, 30:24, 31:6, 31:7, 33:8, 33:9, 33:11, 33:14, 37:6, 37:8, 37:9, 37:11, 37:12, 37:15, 37:16, 37:19, 37:24, 38:6, 38:8, 39:13, 39:17, 39:23, 39:24, 39:25, 40:3, 40:4, 40:16, 40:17, 40:18, 40:19, 40:21, 42:9, 42:22, 43:1, 43:4, 43:8, 43:10, 43:13, 45:14, 45:24, 45:25, 46:11, 46:14, 48:1, 48:7, 50:4, 50:5, 50:12, 50:15, 50:16, 50:24, 50:25, 51:1, 51:2, 52:15, 52:18, 52:19, 52:25, 54:3, 54:5, 54:9, 57:24, 59:5, 62:21, 62:22, 62:23, 62:24, 64:17, 65:8, 66:7, 67:1, 67:4, 67:6, 67:7, 67:15, 67:17, 68:7, 68:8, 68:12, 68:19, 68:22, 69:14, 69:25, 70:7, 70:17, 72:8, 73:10, 73:15, 73:18, 74:16, 74:19, 74:25, 75:3, 75:6, 76:1, 76:4, 76:7,</p>	<p>76:8, 76:11, 76:13, 76:15, 76:22, 76:25, 77:4, 77:12, 77:22, 78:2, 78:5, 78:7, 78:10, 78:12, 78:16, 78:23, 79:7, 79:9, 79:23, 80:1, 81:25, 82:23, 83:18, 83:20, 83:25, 84:5, 84:7, 84:9, 84:19, 84:22, 88:11, 88:13, 88:15, 88:18, 88:19, 88:21, 88:22, 90:19, 90:21, 90:22, 91:3, 91:5, 91:6, 91:10, 91:14, 92:4, 92:7, 92:9, 92:11, 94:22, 95:1, 95:2, 95:8, 95:10, 95:12, 95:18, 95:21, 95:22, 95:25, 96:5, 97:3, 97:5, 97:10, 97:16, 97:19, 98:1, 98:3, 98:5, 103:9, 103:16, 104:1, 104:9, 104:11, 104:15, 104:16, 104:19, 105:2, 106:19, 106:21, 106:22, 106:25, 107:1, 107:2, 107:3, 107:8, 107:9, 107:14, 107:23, 108:1, 108:2, 108:7, 108:9, 108:21, 109:5, 109:12, 109:18, 109:22, 110:10, 110:12, 110:14, 110:15, 110:16, 110:19, 111:2, 111:3, 111:4, 111:5, 112:4, 112:14, 112:15, 112:16, 112:18, 112:19, 112:23, 112:25, 113:1, 114:3, 114:5, 114:8, 114:10, 114:17, 114:20, 114:21, 115:5, 115:9, 115:14, 115:16, 120:10, 120:12, 121:2, 121:5, 121:7, 121:10, 121:12, 121:15, 121:16, 121:22, 122:1, 122:3, 122:5, 122:6, 122:7, 122:11, 122:12, 122:15, 122:19, 123:7, 123:16, 123:22, 123:23, 124:1, 124:6, 124:9, 124:11, 127:11, 127:13, 129:9, 129:15, 129:16, 131:1, 131:18, 131:24, 135:6, 135:21, 135:23, 136:1, 136:14, 136:15, 136:16, 136:17, 137:3, 137:4, 137:6, 138:4, 138:10, 139:8, 139:11, 140:8, 140:11, 141:3, 141:24, 143:20, 144:3, 144:8, 144:11, 144:15, 144:18, 144:19, 144:20, 145:1, 145:7, 145:8, 145:10, 145:12, 147:19, 147:21, 148:7, 148:9, 148:12, 148:15, 148:16, 148:17, 148:18, 148:20, 148:23, 149:6, 149:9, 149:12, 149:16, 149:19, 150:1, 150:3, 150:10, 150:13, 150:14, 156:23, 157:2, 158:6, 158:11, 158:18, 158:21, 158:22, 158:23, 158:24, 159:7, 159:9, 161:2, 161:4, 162:6, 162:9, 162:10, 162:12, 162:13, 162:16, 162:17, 162:25, 163:1, 163:2, 163:5, 163:9, 163:10, 165:13, 165:17, 166:1, 166:6, 166:19, 168:3, 168:7, 168:13, 168:21, 168:22, 168:24, 169:5, 169:7, 169:9, 169:11, 169:13, 169:16, 169:18, 169:21, 169:23, 170:2, 170:3, 170:5, 170:7, 170:10, 170:16, 170:20, 170:22, 171:1, 171:17, 171:24, 172:6, 172:10, 172:12</p> <p>themselves [2] - 67:20, 102:10</p> <p>theory [3] - 158:21, 158:22, 162:20</p> <p>thereafter [1] - 25:15</p> <p>thereby [2] - 153:22, 161:17</p> <p>therefore [10] - 27:13, 28:5, 29:17, 64:10, 69:4, 85:12, 98:12, 106:17,</p>	<p>108:5, 118:11</p> <p>they've [8] - 89:7, 101:5, 110:16, 110:20, 130:2, 131:3, 145:16, 146:8</p> <p>thinking [3] - 25:17, 39:19, 63:23</p> <p>third [5] - 25:19, 44:12, 60:12, 93:8, 105:25</p> <p>thirds [1] - 44:11</p> <p>thirteen [2] - 88:6, 88:7</p> <p>thirty [3] - 150:25, 170:1</p> <p>thousand [5] - 46:21, 58:8, 138:2, 169:2, 169:3</p> <p>thousands [1] - 138:1</p> <p>threatening [1] - 153:2</p> <p>three [23] - 45:19, 58:9, 71:6, 85:3, 94:16, 100:20, 122:1, 122:3, 122:9, 122:13, 123:19, 128:13, 128:24, 139:13, 139:21, 151:9, 151:10, 153:16, 156:14, 156:15, 167:16, 168:22, 171:9</p> <p>three-and-a-half [1] - 128:24</p> <p>three-month [1] - 100:20</p> <p>throughout [2] - 15:10, 158:17</p> <p>throwing [1] - 60:4</p> <p>thrown [1] - 42:7</p> <p>tickets [1] - 9:21</p> <p>tied [1] - 18:11</p> <p>timely [1] - 47:13</p> <p>tipping [4] - 152:9, 157:11, 157:15, 159:2</p> <p>tired [1] - 166:22</p> <p>title [9] - 27:12, 101:6, 131:3, 137:1, 146:19, 146:25, 147:5, 147:17, 151:11</p> <p>Title [2] - 5:6, 71:11</p> <p>titles [1] - 134:25</p> <p>today [12] - 6:18, 7:24, 7:25, 57:22, 60:14, 60:20, 79:21, 103:14, 139:25, 166:8, 170:16, 172:10</p> <p>together [7] - 24:20, 26:20, 48:14, 141:9, 153:16, 155:5, 171:13</p> <p>tomorrow [8] - 8:1, 9:4, 9:7, 113:11, 139:25, 170:22, 170:24, 171:9</p> <p>took [11] - 14:9, 24:22, 35:23, 86:4, 86:6, 86:8, 86:10, 115:8, 128:7, 128:13, 147:15</p> <p>tool [1] - 7:18</p> <p>top [9] - 13:14, 26:24, 27:5, 28:2, 36:21, 93:2, 93:3, 124:8, 168:7</p> <p>total [8] - 15:15, 18:16, 57:9, 57:10, 57:11, 92:20, 123:2, 169:4</p> <p>totals [1] - 33:6</p> <p>touched [1] - 159:7</p> <p>tour [11] - 14:23, 14:25, 15:2, 20:1, 20:8, 20:18, 47:3, 47:6, 154:5</p> <p>tourly [1] - 46:25</p> <p>tours [6] - 47:1, 152:11, 164:23, 165:23, 166:22</p> <p>towards [1] - 147:4</p> <p>track [1] - 127:16</p> <p>Trade [2] - 27:2, 159:17</p> <p>train [3] - 58:24, 121:24, 154:8</p> <p>trained [2] - 57:9, 153:3</p>
--	--	---

<p>Training [1] - 160:8 training [29] - 34:6, 41:14, 56:20, 57:12, 58:23, 60:11, 100:15, 100:16, 100:19, 102:8, 102:9, 102:10, 102:25, 103:7, 120:19, 121:11, 122:6, 122:10, 138:19, 138:20, 143:14, 143:15, 153:10, 153:11, 153:17, 154:16, 154:17, 155:8, 160:8 transcript [4] - 2:25, 38:13, 38:14, 144:24 Transcript [1] - 2:25 transferred [1] - 167:4 transport [1] - 19:3 trapped [1] - 167:20 travel [1] - 167:25 tremendously [1] - 152:13 trial [2] - 9:16, 9:17 tried [4] - 31:23, 43:17, 43:19, 54:1 truck [3] - 13:3, 20:21, 20:24 true [3] - 62:18, 107:15, 145:2 truthfully [1] - 81:5 try [15] - 16:25, 18:13, 18:24, 19:10, 29:12, 29:18, 30:22, 31:13, 43:17, 63:20, 80:18, 105:13, 117:22, 143:2, 172:15 trying [7] - 8:16, 29:20, 31:25, 35:18, 92:8, 109:9, 134:8 Tuesday [2] - 171:16, 171:17 tune [1] - 32:11 turn [7] - 23:1, 37:17, 42:3, 102:19, 108:10, 115:21, 116:15 Turning [1] - 48:11 turning [4] - 31:9, 34:24, 82:25, 126:7 twenty [1] - 53:10 twenty-one [1] - 53:10 twice [1] - 141:4 two [47] - 19:17, 21:5, 25:19, 30:16, 33:10, 33:16, 33:25, 38:1, 39:2, 39:14, 42:7, 42:10, 44:1, 44:11, 49:21, 60:11, 60:18, 61:15, 66:10, 78:25, 83:6, 85:3, 89:21, 93:9, 94:16, 102:5, 106:5, 123:3, 133:12, 133:23, 141:22, 151:19, 153:16, 155:10, 157:3, 161:8, 161:14, 162:17, 163:13, 165:17, 167:9, 167:12, 168:5, 168:22, 169:6 two-thirds [1] - 44:11 two-year [1] - 169:6 type [2] - 42:20, 63:22 types [2] - 18:22, 160:18</p>	<p>126:23, 144:1, 154:7, 162:3, 166:9, 166:12, 166:19 underlie [1] - 172:13 underlying [4] - 24:8, 57:22, 108:19, 108:22 understandable [1] - 39:18 understood [4] - 8:22, 54:15, 102:4, 164:17 unduly [1] - 5:1 uniformed [3] - 11:21, 18:3, 18:4 uniforms [1] - 41:18 unilaterally [1] - 19:15 union [1] - 61:18 unions [1] - 43:23 unit [1] - 153:15 UNITED [2] - 1:1, 1:3 United [13] - 2:7, 3:5, 3:8, 3:10, 3:12, 54:5, 67:17, 73:13, 79:17, 104:4, 142:22, 170:7, 172:2 united [1] - 1:24 units [13] - 21:13, 22:22, 63:12, 151:14, 152:24, 153:16, 155:5, 155:6, 162:2, 167:7, 167:11, 167:19 unless [3] - 64:19, 66:3, 144:6 unrealistic [2] - 134:16, 135:2 untenable [1] - 65:24 unusual [1] - 114:25 up [70] - 15:3, 16:21, 18:10, 18:15, 19:7, 22:2, 23:21, 24:23, 25:2, 26:6, 27:3, 28:5, 29:17, 32:23, 33:24, 34:3, 36:3, 36:10, 36:24, 36:25, 39:10, 40:7, 44:2, 44:7, 44:13, 44:15, 54:21, 55:9, 55:18, 55:21, 56:14, 57:9, 58:11, 58:13, 64:13, 70:24, 71:22, 73:1, 76:4, 77:15, 78:12, 84:11, 93:11, 98:8, 99:22, 103:6, 103:21, 107:23, 109:7, 111:6, 111:12, 119:20, 120:3, 123:20, 124:12, 133:21, 137:19, 139:21, 142:19, 146:23, 153:20, 160:2, 160:12, 160:22, 162:4, 162:22, 164:18, 172:1, 172:3 update [4] - 74:9, 110:1, 110:3, 128:4 updated [2] - 73:5, 73:7 updates [1] - 114:15 useful [3] - 7:15, 7:16, 109:1 user [1] - 36:23</p>	<p>100:11 verify [5] - 96:3, 98:20, 108:20, 134:22, 145:4 verifying [1] - 167:13 version [3] - 73:5, 73:7, 74:14 versus [3] - 17:11, 48:15, 53:11 veteran [10] - 94:24, 106:20, 107:5, 107:6, 107:11, 107:16, 107:24, 110:17, 110:18, 111:12 veterans [3] - 88:20, 107:18, 108:6 via [2] - 19:4, 127:23 vicious [1] - 47:9 view [7] - 45:8, 46:3, 46:17, 53:12, 61:25, 66:15, 168:4 VII [2] - 5:6, 71:11 violation [1] - 5:6 virtue [1] - 121:7 vital [1] - 162:3 voir [1] - 84:1 volunteers [1] - 165:10 Vulcan [3] - 3:22, 3:23, 4:24 VULCAN [1] - 1:6</p>
<p>U</p> <p>U.S [3] - 1:12, 2:2, 72:8 UCT [1] - 167:15 ultimately [6] - 21:17, 25:25, 30:17, 36:24, 37:19, 39:20 undelivered [2] - 127:18, 127:19 under [17] - 24:25, 26:8, 29:2, 35:15, 35:16, 83:6, 85:5, 96:8, 105:18, 126:17,</p>	<p>V</p> <p>vacancies [2] - 34:2, 152:6 vacancy [1] - 27:13 vacation [3] - 9:21, 16:3, 16:13 vacations [1] - 16:10 valid [3] - 101:23, 110:23, 145:5 validate [1] - 110:21 validity [3] - 79:16, 101:24, 103:12 valuable [1] - 6:24 variables [3] - 152:16, 152:18, 159:12 various [10] - 18:20, 19:7, 31:25, 49:17, 62:7, 70:22, 81:13, 92:16, 92:25,</p>	<p>W</p> <p>wait [3] - 73:21, 77:23, 113:23 waiting [2] - 112:7, 159:11 walk [2] - 65:20, 65:22 wants [3] - 64:19, 68:1, 73:24 Washington [4] - 2:4, 3:22, 7:24, 170:12 WASHINGTON [1] - 3:21 ways [6] - 14:2, 19:18, 73:1, 133:16, 141:18, 153:24 weather [1] - 159:15 week [15] - 9:14, 9:16, 31:25, 100:10, 104:4, 104:8, 125:18, 134:15, 140:2, 156:14, 164:21, 168:9, 171:6, 171:8 weekend [1] - 153:15 weeks [18] - 29:14, 29:16, 33:14, 34:6, 44:10, 58:13, 58:16, 58:17, 58:19, 58:24, 59:3, 59:25, 60:11, 81:2, 100:17, 102:15, 125:16, 143:15 welcome [3] - 4:4, 64:20, 170:3 whereas [1] - 70:15 whereby [1] - 137:18 white [1] - 131:17 White [1] - 4:16 whites [1] - 71:2 whole [9] - 16:15, 41:18, 44:1, 50:11, 70:14, 113:10, 123:20, 144:6, 144:21 wide [2] - 62:25, 165:18 willing [1] - 74:9 wind [2] - 36:24, 56:14 wings [1] - 154:7 winter [2] - 152:22, 152:23 wise [3] - 25:7, 152:20, 157:25 wish [2] - 4:7, 118:3 wishes [4] - 24:13, 69:11, 76:18,</p>

102:10 withdraw [1] - 165:4 Withdrawn [1] - 86:9 WITNESS [108] - 10:17, 13:10, 13:12, 22:1, 22:11, 28:13, 28:16, 28:18, 28:22, 29:8, 29:10, 31:6, 33:9, 33:14, 37:8, 37:11, 37:15, 37:19, 38:6, 39:17, 39:24, 40:3, 40:17, 40:19, 45:24, 46:11, 50:5, 50:15, 50:24, 51:1, 52:18, 62:22, 62:24, 67:6, 68:7, 76:7, 76:13, 88:13, 88:18, 88:21, 90:21, 91:5, 91:14, 95:1, 95:21, 104:15, 106:21, 106:25, 107:2, 107:8, 108:1, 108:7, 110:12, 110:15, 110:19, 111:3, 111:5, 112:14, 112:16, 112:19, 112:25, 114:5, 114:10, 114:20, 120:12, 121:5, 121:10, 121:15, 121:22, 122:3, 122:6, 122:11, 122:15, 123:22, 124:1, 129:16, 136:1, 136:15, 136:17, 137:4, 138:10, 144:3, 144:15, 144:19, 145:1, 145:8, 148:16, 148:18, 150:13, 158:11, 158:21, 158:23, 159:9, 162:9, 162:12, 162:16, 162:25, 163:2, 163:9, 165:17, 166:19, 168:7, 168:21, 168:24, 169:7, 169:11, 170:2, 173:2 witness [46] - 9:2, 9:15, 10:5, 10:11, 10:20, 10:23, 43:1, 43:5, 48:2, 48:3, 52:25, 59:7, 59:8, 64:25, 65:6, 65:16, 66:1, 67:16, 68:11, 68:14, 68:19, 68:22, 74:19, 75:3, 76:8, 76:9, 77:4, 77:16, 77:23, 78:2, 78:8, 78:14, 78:21, 84:1, 91:25, 104:19, 131:20, 139:9, 148:22, 149:10, 149:13, 150:3, 170:4 Witness [1] - 68:9 witness' [2] - 48:4, 104:12 witnesses [3] - 7:3, 68:13, 170:8 wondered [1] - 157:16 wondering [4] - 59:1, 68:20, 77:18, 128:25 word [5] - 8:25, 37:21, 96:22, 172:20, 172:21 words [7] - 31:2, 50:19, 71:6, 112:10, 117:1, 129:6, 158:8 workload [1] - 152:18 works [5] - 6:3, 17:6, 80:13, 93:12, 109:13 World [1] - 27:2 world [2] - 159:21, 168:15 worse [1] - 160:1 worth [1] - 74:17 worthwhile [1] - 5:19 wound [1] - 36:25 wrinkle [1] - 107:10 write [1] - 142:19 write-up [1] - 142:19 written [1] - 74:6 wrote [1] - 8:25	Y year [95] - 13:1, 13:14, 15:10, 16:19, 17:24, 20:15, 21:8, 22:6, 22:8, 22:10, 22:14, 22:20, 24:22, 25:20, 26:3, 26:8, 28:14, 28:16, 29:2, 30:15, 31:15, 31:21, 32:11, 32:15, 32:25, 33:1, 34:5, 35:6, 35:9, 35:11, 36:8, 36:9, 36:13, 38:16, 38:18, 38:24, 39:6, 39:7, 41:8, 42:14, 44:17, 47:2, 49:2, 49:9, 49:10, 49:11, 49:15, 49:24, 50:9, 51:19, 52:6, 54:24, 55:3, 55:4, 55:16, 58:4, 60:12, 60:18, 61:19, 62:17, 62:20, 63:10, 63:11, 113:19, 114:4, 114:5, 114:7, 131:3, 131:7, 146:13, 146:19, 146:20, 146:21, 146:25, 147:5, 147:8, 147:15, 147:17, 150:23, 154:21, 157:25, 162:7, 164:19, 165:23, 166:8, 166:10, 166:11, 167:15, 168:11, 169:6 year's [1] - 36:19 years [49] - 14:2, 14:4, 21:5, 22:3, 25:1, 26:19, 26:22, 27:1, 27:15, 27:16, 35:23, 35:24, 36:25, 42:7, 42:10, 44:1, 45:19, 49:12, 51:25, 56:18, 58:14, 61:15, 65:11, 66:23, 128:13, 128:24, 129:17, 145:1, 150:25, 151:3, 151:9, 151:10, 152:8, 152:20, 157:12, 157:15, 161:8, 161:14, 162:18, 164:16, 166:15, 166:25, 167:3, 167:9, 168:5, 170:1 YORK [6] - 1:1, 1:14, 1:15, 1:17, 2:18 York [21] - 2:7, 2:8, 2:12, 2:19, 2:23, 11:10, 12:5, 12:6, 98:25, 100:21, 102:23, 104:15, 104:16, 138:2, 140:1, 150:19, 151:17, 155:23, 168:15 Yorkers [1] - 170:1 young [1] - 160:14 younger [2] - 154:6, 160:19 yourself [3] - 68:3, 76:6, 105:16
--	---